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HISTORY
OF
SCOTS AFFAIRS.

THE FIRST VOLUME.

ABERDEEN: PRINTED AT THE CONSTITUTIONAL OFFICE,
BY WILLIAM BENNETT.

HISTORY
OF
SCOTS AFFAIRS,

FROM MDCXXXVII TO MDCXLI.

BY
JAMES GORDON,
PARSON OF ROTHIE MAY.

IN THREE VOLUMES.

VOL. I.

ABERDEEN:
PRINTED FOR THE SPALDING CLUB.
MDCCCXLI.

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R U L E S

OF

THE SPALDING CLUB.

I.

THE name of the Society shall be “ The SPALDING CLUB, for the printing of the Historical, Ecclesiastical, Genealogical, Topographical, and Literary Remains of the North-Eastern Counties of Scotland.”

II.

The objects of the Club shall be the printing of inedited manuscripts, and the reprinting of works of sufficient rarity and importance to make such reprints desirable.

III.

The Club shall consist of members being subscribers of One Guinea annually; such subscription to be paid in advance, on or before the first day of January in each year.

IV.

The management of the affairs of the Club shall be vested in a President, a Vice-President, and a Council of Thirty-one members, all to be chosen yearly by the Club at large, at a General Meeting, to be held at Aberdeen, on the twenty-second day of December, or on the Monday following, when the twenty-second of December shall fall upon a Sunday.

V.

Immediately after the annual meeting, the Council shall, from their own number, elect a Secretary and Treasurer, along with nine other members, who shall form a Committee of the Council, and shall determine on the

works to be printed by the Club, and superintend the arrangements necessary to the production thereof. The meetings of the Committee shall be open to all the members of the Club.

VI.

The accounts of the Receipt and Expenditure of the Club shall be audited annually by three Auditors, to be elected at the General Meeting, from among the members; and the Report of the Auditors, with an Abstract of the Accounts, shall be printed and circulated among the members.

VII.

The names of the members proposed to be elected as President, Vice-President, Councillors, and Auditors, shall be transmitted by the proposers to the Secretary, at least one month before the General Meeting; and lists of the persons so proposed shall be forwarded by the Secretary, at least a fortnight before the General Meeting, to all the members.

VIII.

Members may vote at the General Meeting by proxy; but no member whose subscription is in arrear shall be entitled to vote.

IX.

In the absence of the President and Vice-President, the Council, at their meetings, shall elect a Chairman, who, beside his own deliberative vote, shall have a casting vote in case of equality of numbers.

X.

The funds of the Club shall be expended in the payment of the expenses necessary to the printing of the works of the Club.

XI.

After the members of the Club shall have reached the number of five hundred, vacancies shall be filled up by the Council, from time to time as they occur.

XII.

Every member, not in arrear of his annual subscription, shall receive one copy of each work printed by the Club.

XIII.

Members who are disposed to contribute works at their own expense, shall be invited to do so, such works having been submitted to the Council and approved of by them before being sent to press.

XIV.

The Editors of the works to be printed by the Club shall be chosen by the Committee of the Council, and shall be entitled to receive a certain number of copies of the work edited by them, at the discretion of the Committee.

XV.

The number of works printed shall be limited to the number of members of the Club, except when it shall be determined by the Committee to print an additional number; and no work printed by the Club shall be exposed by them for sale.

XVI.

Members of the Club may, at any time, compound for their future annual subscriptions, by payment of Ten Guineas over and above their subscription for the current year; and any member who shall present to the Club a work, which is sanctioned by the Committee, shall be ever afterwards exempt from any annual subscription.

XVII.

Any member of the Club, who, after the expiry of three years from his admission, shall intimate to the Council his desire to withdraw from the same, or who shall be two years in arrear of his annual subscription, shall thereupon cease to be a member.

XVIII.

The Committee of the Council may appoint Local Secretaries in such places and with such powers as to them shall seem expedient, every Local Secretary being a member of the Club.

XIX.

The Council may enact Bye-laws for its own government.

IX.

No alteration shall be made in these Laws except at a General Meeting of the Club, nor then, unless at least one month's notice of the change to be proposed at such meeting shall have been given in writing to the Secretary.

THE SPALDING CLUB.

NOVEMBER, M.DCCC.XI.

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The EARL of ABERDEEN, K.T.

Vice-President.

The VISCOUNT ARBUTHNOTT.

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DAVID CHALMERS of Westburn.
THOMAS ABERCROMBY DUFF of Haddo.
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HUGH LUMSDEN of Pitcaple.
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 ALEXANDER SMITH of Glenmillan.
 The Reverend ALEXANDER TAYLOR, Leochel-Cushnie.
 THOMAS THOMSON, Deputy Clerk-Registrar of Scotland.
 WILLIAM WATSON, Sheriff-Substitute of Aberdeenshire.

Secretary.

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Treasurer.

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 The Lord Provost of Aberdeen.
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 John Allan, Merchant, Elgin.
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 William Allardyce, Merchant, Aberdeen.
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 William James Anderson of Technuiry.
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 John Angus, Advocate, Town-Clerk of Aberdeen.

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Major-General the Hon. Hugh Arbuthnott, M.P.
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John Strang, City Chamberlain, Glasgow.

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George Andrew Stuart of Inchbreck.
John Stuart, Advocate, Aberdeen.
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William Sutherland, Surgeon, Croydon.
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Farquharson Taylor, Wellhouse, Alford.
The Reverend Alexander Thom, Nigg.
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Alexander Thomson of Banchory.
Arthur Thomson, Banker, Aberdeen.
George Thomson, Junior, Merchant, Aberdeen.
The Reverend Robert Thomson, Peterculter.
Thomas Thomson, W. S., Edinburgh.
Thomas Thomson, Deputy Clerk-Registrar of Scotland.
Dr Thomas Thomson, Inverury.
Dr. William Thomson of Quocies.
John Thurburn of Murtle.
The Reverend Andrew Todd, Alvah.
Alexander Torrie, Advocate, Aberdeen.
Dr. Trail, Monymusk.
The Reverend Samuel Trail, Arbuthnott House.
Alexander Tulloh, Forres.
The Reverend G. Tulloch, Bellevue, Aberdeen.
Professor Tulloch, King's College.
Sir James Henry Turing of Foveran, Baronet.
Colonel Turner of Menie.

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Beauchamp Colcleugh Urquhart of Meldrum and Byth.

David Walker, Land-Surveyor, Aberdeen.
James Wallace, Banker, Fraserburgh.

Adam Watson, Merchant, Liverpool.
Alexander Watson, Pitforthie.
William Watson, Sheriff-Substitute of Aberdeenshire.
John Webster, Advocate, Aberdeen.
Alexander B. Whyte, Merchant, Aberdeen.
The Reverend James Whyte, Methlic.
John Whyte, Advocate, Aberdeen.
James Will of Rowmore.
Thomas Will, Keeper of the Register of Sasines, Glasgow.
Peter Williamson, Merchant, Aberdeen.
The Reverend David Wilson, Woodhead, Fyvie.
John Wilson, Old Aberdeen.
Charles Winchester, Advocate, Aberdeen.
John George Wood, W.S., Edinburgh.
David Wyllie, Banker, Aberdeen.
James Wyllie, Bookseller, Aberdeen.

John Yeats, Advocate, Aberdeen.
William Yeats, Advocate, Aberdeen.
Archibald Young Leslie of Kininvie.
Normand Yule, Merchant, Liverpool.

¶ *The Names of the Members who have died during the byepast year are printed in italics.*

THE EDITORS' PREFACE.

THE Manuscript from which the following History has been, now for the first time, printed, is preserved in the Library of The King's College and University of Aberdeen, to the Senatus of which the Club is indebted for ready permission to make a transcript for the press, and for the facilities which were afforded in the collation.

The Manuscript is a folio volume of five hundred and ten pages, written uniformly in a neat and distinct hand, and generally with accuracy. It is quite complete, except in a few places where some words have been cut off in the binding, and in one or two parts where the Manuscript from which it was copied would seem to have been imperfect. Many of its pages contain notes and observations, marked by the initials " T. G." and known to be in the handwriting of the late Professor Thomas Gordon, of The King's College. Of these, as they are not of any importance, and in some cases stand themselves greatly in need of emendation, no notice has been taken.

It has been ascertained that the Manuscript was transcribed, at the expense of the University, by Mr. James Paterson, who was for more than forty years schoolmaster, session-clerk, and *precentor* of the parish of Saint Machar. He died about the beginning of the present century; and was, it is believed, the last person in this

neighbourhood, perhaps in Scotland, who held the ancient ecclesiastical office of Reader. In this capacity he officiated, every Sunday forenoon, in the cathedral of Aberdeen, (which, since the Reformation, has been used as the parish church of Saint Machar,) reading from the lectern portions of the Psalter, and lessons from the Old and New Testaments.

Of the Manuscript from which he copied, all that can be ascertained is supplied by the following note, prefixed to his transcript:—

“ Written on the first leaf of the Manuscript in Mr. T. Ruddiman’s handwriting, from which this copy was taken in the years 1788 and 1789 :

“ ‘ History of Scots Affairs from the year 1637 to the year
“ ‘ 1641⁽¹⁾ in 5 books, but the first wanting & probably never
“ ‘ written, being designed only as an introduction to the rest.’ ”

“ This was written either as is supposed by the famous Robert Gordon of Strathloch or by [] Gordon, Parson of Rothimay.”

There seems room to doubt whether, from this inscription, it is to be inferred that the Manuscript which Paterson transcribed was throughout in the handwriting of Ruddiman, or whether only its title-page was written by him. That distinguished scholar and grammarian was an alumnus of The King’s College; but where his copy now is, or whence the University obtained it for their transcriber, has not been ascertained. A reference made by Bishop Keith,⁽²⁾ in 1755, to “ Mr. Ruddiman’s *MS. of Stralock’s Hist.* p. 104,” is

(1) This title has been retained as that of the present work, though it is not altogether accurate, as the narrative ends in September, 1640.

(2) Keith’s Catalogue of the Scottish Bishops, p. 152. Bishop Russel’s edition.

the only other trace of its existence which the Editors have had the fortune to discover.

The most plausible conjecture which can be formed, as to the fate of the Author's original Manuscript, is to be derived from the notices of Mr. James Man and Dr. William Gordon.

Man, who was Master of the Poor's Hospital at Aberdeen, where he died in October 1761, had made extensive collections for a projected work, "Memoirs of Scottish Affairs, from 1624 to 1651," a small fragment of which, together with a diffuse Introduction, he published, in 1741.⁽¹⁾ Among the papers to which he was in expectation of getting access, were those of the writer of the present work, James Gordon, Parson of Rothiemay. Liberty to inspect or to use them had, it appears, been promised to him by the Author's grandson, James Gordon of Techmuiry; and, though he had not seen them at the time of the publication of his Introduction, he must subsequently have obtained at least copies of them, either from the Laird of Techmuiry, or from some other source, as very large extracts from them are given in the two volumes of his Historical Collections, now in the Library of the Faculty of Advocates.

(1) See Appendix to the Preface, No. I. There is no reason to think that more than what is there re-printed, being the first number of the work, was published. The following advertisement appeared in the Scots Magazine, for October, 1741:—

"Just published, No. I. of MEMOIRS OF SCOTTISH AFFAIRS FROM 1624 TO 1651. Collected from several MS.S. never before printed; written by Patrick Gordon, Brother to Sir Alexander Gordon of Clunie; Gilbert Gordon of Straloch [Sallagh]; Sir John Scot of Scots-Tarvet; John Spalding, Citizen of Old Aberdeen; William Gordon of Dalmoir; Mr. James Gordon, Parson of Rothimay; Alexander Jaffray of Kingswalls, Prior [Provost] of Aberdeen, and Director of the Chancery under Oliver Cromwell, &c. All which authors lived in the time that the Transactions happened.

"The Numbers, as they come out will be mentioned in the Scots Magazine. Gentlemen in the North of Scotland may have them from Mr. JAMES MAN at Aberdeen; and others from the Booksellers with whom they respectively correspond; the whole at the rate of Three half pence per sheet, &c."

But though the work may have passed into Man's hands for a time, there is reason to believe that it still remained the property of the family of Techmuiry. Dr. William Gordon, brother of the Laird of Pitlurg, wrote, about sixty years ago, "A Sketch of the Life and Writings of Robert Gordon, Esq. of Straloch;" and he there states that "Mr. James Gordon, having the benefit of a large collection of the papers of the time, made by Straloch, intended to write a History of the Civil War, so far as it related to Scotland. *There still remain* in the possession of his Representative ninety sheets, in manuscript, which contain the transactions of the northern part of Scotland, beyond the Forth, from 1637 to 1640; but this work receiving no encouragement in a time of general distress, was soon abandoned." ⁽¹⁾

This is the last notice that has been found of the original Manuscript, nor have the Editors been able to discover any other transcript of it than the one which they have used, and the fragments which are preserved in Man's Collections. It has been stated, but erroneously, that the latter contain a complete copy of Gordon's work, and they have been generally quoted under the name of the "Straloch MS.," but apparently upon no better authority than that of the title on the backs of the volumes.

It has been judged fit, for several reasons, to republish Man's Introduction as an Appendix to this Preface. The tract, which is now rarely to be met with, contains not a little valuable information regarding our Author, his father, and the writings of both. It gives likewise an account of a number of MSS., some of which are generally supposed to be lost, while others have only been preserved in

(1) MS. in the Pitlurg charter chest.

transcripts. The present reprint may perhaps, by calling attention to these papers, eventually lead to their recovery.

JAMES GORDON, the author of the volumes which are now submitted to the Spalding Club, was descended from the family of Pitlurg, one of the oldest and most distinguished branches of the noble house of Huntly. His father, Robert ⁽¹⁾ Gordon of Straloch and Pitlurg, the well known antiquary and geographer, who died on the eighteenth of August, 1661, in his eighty-first year, had by his wife, Katharine, daughter of Alexander Irvine of Lenturk, (the eldest cadet of the ancient family of Drum,) eleven sons ⁽²⁾ and six daughters. ⁽³⁾

(1) He is often but erroneously styled *Sir Robert*. There is a tradition in the family that he declined the offer of a baronetcy, saying that he would rather be the oldest baron of his name, than the youngest baronet.

(2) The sons were, 1. Robert, who succeeded his father in the estates of Pitlurg, Straloch, Kimmundy, and others, and died in 1681. 2. John, who received from his father the lands of Fechill. 3. William, who died at Paris, in 1649, without issue. He was a zealous royalist, and is said to have written "Animadversions on the Proclamation of the Rebellious Parliament, and the Declaration against the King." Maidment's Catalogues of Scottish Writers, p. 120. A family historian says that "at last, when there was no more Service to be done for the King in *Scotland*, he [the Lord Aboyne], with *Mr. William Gordon*, Son to the Laird of *Straloch*, a very brave young Gentleman, who had been Companion to him in all the Time of the War, left their Native Country, and retired to *France*: And when in *Paris*, the sad and melancholy News of the barbarous Murder of the King coming to their Ears, they were so overwhelmed with Grief, that, not being able to support it, in a very short Time thereafter both of them died, one within three or four Days of the other. This brief Account I have copied off a Manuscript of *Straloch's*, before me." William Gordon's History of the Illustrious Family of Gordon, vol. ii. p. 423. Aberdeen, 1727. A Concise History of the House of Gordon, by C. A. Gordon, p. 245. Aberdeen, 1754. 4. Alexander, who died without issue, in 1615. 5. James, Parson of Rothiemay. 6. George, who died in 1636. 7. Alexander, who, in his father's will (printed in the Appendix to this Preface) is distinguished from his brothers, as being "no scholler." 8. Hugh, who died without issue. 9. Arthur, who died in 1680, leaving an only son, Robert, the munificent founder of Gordon's Hospital in Aberdeen. 10. Patrick, who died in 1649. 11. Lewis, a physician, who practised at Aberdeen, and died there unmarried in 1704. MSS. in the Pitlurg charter chest.

(3) The daughters were, 1. Isobell, married to Urquhart of Craighouse. 2. Margaret,

Our Author was the fifth son. Although the exact date of his birth has not been observed, as his parents were married in 1608, it was perhaps about the year 1615. No information as to the place of his education has come down to us; but it is probable that he took his degrees in one or other of the Universities of Aberdeen. ⁽¹⁾

Nothing is known in regard to his life, until the year 1641, when he was appointed Parson of the Church of Rothiemay, then vacant by the deposition of Alexander Innes, for his refusal to subscribe the Covenant. It would appear, that Gordon, while holding this charge, fell under the same suspicions which had led to the deprivation of his predecessor. He had the good fortune, however, to escape without the loss of his benefice. It is likely that the family influence of the house of Rothiemay was exerted not only in procuring his living, but in protecting him in the possession of it; for, from the general tenor of his work, it is evident, that, though he submitted to the Covenant, he was far from bearing it any good will. He himself⁽²⁾ has recorded the precarious tenure by which he held his office. After describing the manner in which some of the non-Covenanting clergy of the Diocese of Aberdeen had been ejected, he adds, "Murray would not be behind Aberdeen; therefore,

married to Sir Richard Maitland of Pittrichie. 3. Jane, married to Middleton of Johnston. 4. Barbara, married to Menzies of Kimmundy. 5. Anne, married to Bisset of Lessendrum. 6. Mary, who died in infancy. MSS. in the Pitlurg charter chest.

(1) The name of "Jacobus Gordonius" appears in the list of graduates in arts at The Marischal College, in 1634; and that of "Jacobus Gordonus," in the list of graduates at The King's College, in 1636. Though these dates would be sufficiently applicable, the name is too common to warrant an inference that either of the two persons was our Author. The earlier date would best agree with the conjectured year of his birth; it is probable, too, that he would prefer The Marischal College, where his father had studied; and "Gordonius," not "Gordonus," was the spelling of the name adopted by Straloch, though not always followed by his son.

(2) History of Scots Affairs, b. v. ch. xxi.

such of the ministry as refused the Covenant must likewise follow them; none more levell'd at than Mr. Alexander Innes, Minister at Rothemay. He was brother in law to Mr. John Maxwell, Bishop of Ross; that was enough, but he refused to take the Covenant, and *anno* 1639, had gone to Beruick to the King. Therefore, July first, he was turn'd out of his place, and in the following years exposed to many more sufferings: yet happier therein than Mr. John Forbes, [who was ejected from the church of Auchterless] that his church, the very next year, 1641, was planted with another, whom himself had named, and to whose entry he gave his express consent; one who was willing to observe to Mr. Alexander Innes the common rule of equity of *quod tibi fieri non vis*; one who in the following years upon that self same very account that turn'd out Mr. Alexander Innes, did run the hazard oftner than once of being turn'd out of that place, as well as his predecessor had been." Gordon nevertheless continued to hold his living till the Restoration; and there can be no doubt, that, like the great majority of the northern clergy, he willingly acquiesced in the re-establishment of Episcopacy, which was then effected. Such illustrations of his pastoral labours, as are preserved in the records of the parish, will be found in the Appendix to the Preface.⁽¹⁾

Notwithstanding the distracted state of the times, the Parson of Rothiemay found leisure to assist his father in those important literary labours in which that accomplished gentleman was engaged, and the most considerable result of which was the *Theatrum Scotiæ*,

(1) See Appendix to the Preface, Number IV. The Kirk Session Registers of Rothiemay commence in 1604. A few extracts have been given between that period and the date of Gordon's appointment, as illustrative of the condition of the parish.

published in Bleau's Atlas.⁽¹⁾ This work was begun at the expense of Sir John Scot of Scots-Tarvet, one of the few persons who in that unhappy age encouraged letters by their patronage. It was probably in relation to this undertaking, that our Author visited Sir John, at Pittedie in Fifeshire, in October, 1642, when the knight communicated to him a poem by Arthur Jonston, which had been suppressed⁽²⁾ in the edition of his works published at Middleburg in that year. But Gordon's contributions to

(1) Bishop Nicolson's Scottish Historical Library, p. 17. London, 1702.

(2) The beautiful verses suppressed by Spang were first printed, not altogether accurately, in the Scots Magazine, for January, 1745 :

“ ARTURI JONSTONI, M. R. de fœdere nupero ad Scotos parænesis.

“ Martia gens, oculis multo mihi carior ipsis,
 Tingere quid patrio sanguine tela paras ?
 Pone nocens ferrum : quàm formidabile bellum
 Sit populis, testes Rhenus & Albis erunt.
 Aurea dum terris pax esset, floruit ora
 Teutonis, à solo Cæsare digna regi.
 Deliciis Latium superabat ; Thessala Tempe
 Prisca vel Alcinoi rura fuisse putes.
 Hic fœcunda Pales, & primæ consaitor uvæ,
 Et Pomona larem fixit, & alma Ceres.
 Dives erat populus ; munitæ & mœnibus urbes ;
 Et digni proavùm sceptrâ tenere duces.
 Hæc quoque Pieridum domus, & tutela Minervæ,
 Et fidei cultrix, & pietatis erat.
 Vastatam nunc Marte vides, & tristibus armis ;
 Orbis & opprobrium, quæ fuit antè decus.
 In pecus, in vites, patrios ruit hostis in hortos,
 Et segetes stricto vidimus ense meti.
 Oppida cum populis evertit Cæsaris ira :
 Junctus Iber procerum sanguine tinxit humum.
 Pallas, & Aoniæ lituis fugere sorores :
 Fugit & à castris cum pietate fides.
 Teuto quibus periit, fuge gens Fergusia, syrtes :
 Illius exitio cautiùs arma time.
 Sunt tibi ruris opes, & plenæ civibus urbes ;
 Et proceres patrii lumina pura soli.

geographical science (then truly in its infancy in Scotland,) were not confined to those which he made either in conjunction with

" Atria nec desunt Musis, nec templa Minervæ ;
 Et delubra Deūm plena nitoris habes.
 Mars semel accensus populabitur omnia flammis :
 Flectitur, ah ! nullā militis ira prece.
 Exemplo proavūm noli sperare triumphos ;
 Hei mihi ! nunc non es, Scotia, qualis eras.
 Bellica gens audis ; sed belli exstinxit amorem
 Longa quies : etiam segnius arma paras.
 Mollia, si nescis, enervant otia vires :
 Militis & sagulum turba togata fugit.
 Aliger Ichnobates fit desuetudine tardus ;
 Bos juga retractat ; fræna recusat equus.
 Finge sed expertos bello, juvenesque senesque
 Quotquot habes ; belli, dic age, nervus ubi est ?
 Non tibi Pactoli rutilo fluit alveus auro ;
 Aut Tagus, aut sitiens India mittit opes.
 Si pecus, & segetes, & quæ fert retia, demas,
 Tu nil militibus quod numeretur habes.
 Prædia nil præter restabit milite dignum :
 Hæc quoque victoris præmia forsitan erunt.
 Sed neque turritis cinguntur mœnibus urbes ;
 Mœnia vel, si quæ cernis, hiulca vides.
 Nec, quibus æquor aras, armantur milite puppes ;
 Navita vulnifico nec tegit ense latus.
 Nec tibi vel rostro navis munita, nec armis,
 Qualia Cyclopum sunt fabricata manu.
 Mille rates inter, fluctus vix ulla marinos,
 Vix insultantes sustinet ulla rates.
 Hoc quoque pensetur : dubio discernere Marte
 Non dubitas : nasci de duce rixa potest.
 Dux erat Argivis Graiorum maximus : inter
 Mille pares, belli quis, rogo, ductor erit ?
 Dum potes, & fas est, fragilem tot fluctibus alnum
 Eripe : festinâ collige vela manu.
 Lex jubet, illustri Scotorum sanguine cretus :
 Sit pudor, alterius jussa vel arma sequi.
 Donec minas ; venise locus est : hanc obtulit ultrò
 Carolus, & pacem dum petit, arma quatit.
 Illius auspiciis hostes exscinde : sagittas
 Tingere fraterno sanguine, turpe puta.

his father, or as his literary executor.⁽¹⁾ He himself in the year 1646 or 1647 constructed a large and interesting map of the City of Edinburgh.⁽²⁾ It was engraved in Holland, and although, as we learn from the Author, little justice was done to it by the artist,⁽³⁾ it has always been regarded as a very curious and useful work. On the margin are "two prospects" of Edinburgh, and

*" Sæpe tibi jugulum peregrinus præbuit hostis ;
Scotia, nunc justo, dum furis, hoste cares.*

" Præcedentia hæc carmina, ab ipso auctore, cum reliquis ipsius poëmatis, in Hollandiam, ut typis mandarentur, transmissa ; verùm illic, inconsulto atque inscio auctore, fraude Gulielmi Spangii Presbyteri Veriani, interpolata, nec unquam typographo tradita : ast in Scotiam ad D. Johannem Scotum Scottistarvatium remissa ; qui mihi horum describendi copiam fecit, in Pittiedia, rusculo Fifensi, anno 1642, mense Octobri.

" JACOBUS GORDONUS, E. M. R.

" The above is in the hands of Dr. James Gordon, Professor of Physick in the Marischal College of Aberdeen. It is in the handwriting of the Gentleman that signs it, who was Straloch's son, and Minister of the Gospel at Rothemay."

(1) See the " Last Will of Robert Gordon of Straloch," printed in the Appendix to the Preface, No. III., from a copy in the handwriting of the period, preserved in the Pitlurg charter chest.

(2) Maitland's History of Edinburgh, p. 86. Samuel Wallace, in a letter to Straloch, dated " at Campheir, the 1st of Martij, A^o 1647," writes thns : " Eftir I vreitt this, I receiuit a letter from my L. Scottistarveis, [quho] shawes me that the provost of edinbrugh hes send for your sone mr James to drawe the Towin of edinbrugh." Original Letter in the Pitlurg charter chest. The following notice of Gordon's plan occurs in the Council Records of Edinburgh, under the date of 2d April, 1647 : " The same day, [the Provost, Bailies, and Council] Ordaines the Thesaurer, Patrik Thomsone, to resave from Mr James Gordoun, Minister at Rothemay, the Draught of the Toun done be him at command of the Counsell, and ordaines the said Thesaurer to pay to him, for his paines and travellis in drawing of the said Draught, the soume of ffyve hundreth merks money, and the same sall be allowed to him in his comptis." The Bannatyne Miscellany, vol. ii. p. 391.

(3) " I have subjoynd the prospect of Aberdeen to the mappe theroff: The lyke quhair-off I did at such tyme as I had occasione to descryve Edinburgh, adding two little prospects to its mappe ; quhairoff I thought it necessar also to admonish the reader, for the cutter of that draught hes both abusit the buyer and me: For having enlargit the two prospects of Edinburgh, therby to make the draughts sell the deirer, he hes falsified both the prospects by that meins, so that nather of thame looks lyke the copyes, and which is worse, not lyke to the two syds of the Citie of Edinburgh, being misshaped according to his owne fancies." A Description of bothe touns of Aberdeene By J. G. MS. Adv. Bibl. (W. 2. 20.)

these, with some drawings of its principal edifices, entitle him to the praise of being "the first person who is known to have preserved views of particular places and buildings in Scotland."⁽¹⁾ About the same period, he seems to have been engaged in other undertakings of a like kind. Mr. Samuel Wallace says, in a letter to Straloch, which has been already cited, "your sone mr James is to be imployed be the nobilitie of Angus to deschryve that shyre; and so I hope he will be advancit be others to grytter worck; if god sendis pace as be appearance it will be."⁽²⁾ To the same purpose Sir John Scot writes to Straloch from Edinburgh, in February, 1647, that "The Earle of Southesk hath intention to send for Mr. James in the springe, to draue the Shyre of Angus, and aught in reason so to doe, seeing he lost Mr. Timothies⁽³⁾ Mapp and I hope ye will be a Counciller of him to come that the work may be the soner perfected and brought to a wished end, and not be left defective in the want of so good a shyre."⁽⁴⁾

In 1661 our Author constructed a large plan of Aberdeen, which was engraved in Holland, at the expense of the corporation of The Brave Town,⁽⁵⁾ and has lately been republished.⁽⁶⁾ To illustrate this map, he wrote an interesting Description of the City, which is about to be printed, for the first time, by the Spalding Club.

Besides these works, we are told by Man that "The Parson of

(1) The Bannatyne Miscellany, vol. ii. p. 307. Reduced fac-similes of Gordon's drawings of the Castle of Edinburgh, and of the Parliament House, will be found in that volume, at pages 398 and 401. His view of the Palace of Holyrood has also been engraved, for the same Miscellany; see vol. i. page 188. We are not aware that his drawing of Heriot's Hospital has been republished.

(2) Original Letter in the Pitlurg charter chest.

(3) Mr. Timothy Pont.

(4) Original Letter in the Pitlurg charter chest.

(5) See Appendix to the Preface, No. V.

(6) In the Bannatyne Club edition of Spalding's History of the Troubles, vol. i.

Rothemay in 1646, wrote a common Place-book of practical Divinity which shews his large Acquaintance with the holy Scriptures, and the Writings of Divines; as the Embellishments of the Book drawn with a Pen shew his great Genius for Painting."

From the Kirk Session Records of Rothiemay, printed in the Appendix, it appears that the latter years of our Author's life were occasionally clouded by disease. He died on the twenty-sixth day of September, 1686. Of his personal character, the only trait which has been preserved, is contained in the observation of Man, that "The *Stoicism*, which has been observed in that Family (besides expressing strong Sense in ordinary Conversation in broad *Scots*) was likewise observed in him. He is said to have been a Dealer in judicial Astrology."

The intimation in the last sentence seems to be confirmed by one or two passages in the History.

James Gordon was twice married. In 1643, he espoused Margaret sister of James Gordon, Laird of Rothiemay,⁽¹⁾ whose elder brother perished with the Lord Viscount of Aboyne, in the Tower of Frendraught, in 1630. By this lady it does not appear that he had any issue; the date of her death has not been remarked, but she survived the month of November, 1653. The time⁽²⁾ of his second marriage, and the family of his bride, are both uncertain. Her name was Katharine Gordon; she survived her husband many years, and

(1) See the discharge of the Marriage Contract, printed from the original in the Pitlurg charter chest, in the Appendix to the Preface, No. II. The Contract of Marriage is dated in July, 1643. It is subscribed by the lady at Skene, where, it appears from a passage in the History, she occasionally resided. See History of Scots Affairs, b. ii. ch. xlviii.

(2) In the Inventory of the goods of Katharine Gordon, mention is made of a bond granted before January 1675, to her husband, and their three sons. Commissary Records of Aberdeen.

died, it would appear in Old Aberdeen, in May, 1703. In her last will,⁽¹⁾ which shows that she was possessed of considerable wealth, she desires that her "body be decently burried within the Isle of the Kirk of Rothiemay," where probably the bones of her husband had been laid. The offspring of James Gordon's second marriage was three sons. The second, Alexander Gordon of Kinmundy, died, without surviving issue, in September, 1722.⁽²⁾ The third, Lewis Gordon of Kinmundy, died also without issue, in August, 1734.⁽³⁾

James, the eldest, who succeeded his father in the lands of Zeochrie in Banffshire,⁽⁴⁾ in 1686 acquired the estate of Techmuiry in Buchan, by marrying Jean, the only daughter and heiress of Alexander Fraser of Techmuiry.⁽⁵⁾ By this lady he had three children, Alexander,

(1) It is dated at Old Aberdeen, on the 19th May, 1699; and was recorded in the Commissary Register of Aberdeen on the 22nd March, 1723.

(2) Special Services, James Gordon of Techmuiry, as heir to Alexander Gordon of Kinmundy, his uncle, 9th April, 1735, and 3d June, 1741. Sheriff Court Records of Aberdeenshire. It appears from the last will of Katharine Gordon, that he had a son, Lewis, who was alive in 1699, but died before his father.

(3) Special Service, James Gordon of Techmuiry, as heir to Lewis Gordon of Kinmundy, his uncle, 4th July, 1746. Sheriff Court Records of Aberdeenshire.

(4) "Feb. 21, 1694. Jacobus Gordon de Techmurie, *haeres* Magistri Jacobi Gordon de Zeochrie ministri verbi Dei apud ecclesiam de Rothiemay *patris*,—in terris et baronia de Zeochrie comprehendente villas et terras de Myresyde;—binam et tertiam partem vulgo nuncupatas North et Southmyresydes;—villam et terras de Whytmyre;—villam et terras de Muiralehouse, cum salmonum piscaria in aqua de Dovert;—terras de Kirktown de Aberchirder, Kairnehill, et Zeochrie, cum maneriei loco et decimis garbalibus, et privilegio liberi nundini apud ecclesiam de Aberchirder vocati Marnoch fair, et glebarum et focalium vulgo Leitt peats in mossis baroniae de Auchintoule;—multuris dictarum terrarum et baroniae;—omnes olim in baronia de Auchintoule, nunc in baronia de Zeochrie et parochia de Aberchirder, et unitas in baroniam de Zeochrie.—A. E. 3*l*. 10*s*. N. E. 10*l*." Inquisitiones Speciales, Banff. 158.

(5) Writs in the Techmuiry charter chest. The first of the family of Fraser of Techmuiry was William, the second son of Alexander Fraser of Philorth. He acquired the lands in 1551. Crawford's *Lives of the Officers of State*, p. 282. Douglas' *Peerage by Wood*, vol. ii. p. 474. Writs of Techmuiry.

James, and Margaret. The eldest son dying without issue before his father, the estate devolved on the second, James, the person referred to by Man, in 1741, as in possession of certain MSS. of the Parson of Rothiemay. He died about the year 1760, leaving two sons and three daughters. The second son, who settled in England, left a son Lewis, who is believed to have taken orders in the Church. Of the daughters, two, Christian and Janet, died unmarried; the third became the wife of the laird of Keithfield. The eldest son, Lewis, succeeded his father; but the fortunes of the family were now to suffer decay. A mortgage over the estate appears in 1779; in 1784, it was exposed to sale by the holders of the mortgage; and in 1785, was bought by Alexander Garden, brother of Francis Garden Lord Gardenston, at the price of £5,024 sterling.⁽¹⁾

The last two Lairds of Techmuiry are still remembered in the traditions of the neighbourhood. By the common people, James was believed to be a dealer in the Black Art, and to hold converse with Familiar Spirits, so that he was commonly known by the name of the "*crookit mou'd warlock*" Lewis, it was understood, had been called to the Scotch Bar, but never practised; indeed he was generally considered to be of an imbecile mind. Shortly before he was obliged to sell the patrimonial estate, he married the widow of Mr. Fletcher of Saltoun, by whom he had no issue. He was suffered to remain in possession of the mansion house of Techmuiry until his death, which happened about the year 1789. His unmarried sisters who survived him were, like himself, of weak intellect. They are said to have retained possession of all the family documents; and one of them was often heard to say, that she had large boxes of papers, the perusal of which moved her to tears.

(1) Writs of Techmuiry.

It does not appear with whom the error originated, of ascribing the HISTORY OF SCOTS AFFAIRS to Robert Gordon of Straloch. The causes of the mistake were probably the hope expressed by that gentleman in his Preface to Archbishop Spottiswood's History, that some one would be found to write a narrative of the transactions in the reign of Charles the First;⁽¹⁾ and his entreaty that Robert Burnet of Crimond would undertake the task, a request which was declined by the latter, chiefly on the ground that Straloch himself was better fitted to accomplish it.⁽²⁾ In 1702, Sir Robert Sibbald, writing to Wodrow, says, "I shall entreat the favour of a copie of the continuation of Montrose History to his death, said to be writt by Gordon of Straloch;"⁽³⁾ but it is almost impossible to imagine that this can be a reference to the book now printed. The first person, so far as can be ascertained, who quotes it as the composition of Straloch, is William Gordon, whose "History of the Illustrious Family of Gordon," appeared at Aberdeen, the first volume in 1726, the second in 1727. This writer, throughout, cites our History, to which he is indebted for the most interesting parts of his second volume, as "Straloch's MS.," or "Straloch's

(1) "At Caroli rebus dicendis, spes est in tanta literarum luce, et gestorum cognitione, non defutura praeclara ingenia, quibus ea posteritatis cura erit, ut quae dispersis chartis per hominum manus volitant, ad justas historiae leges revocentur. Unum postremo desideraverim, ut aliquis labori par, his omnibus jus Latii impertiatur, sic enim toti Europae, cui tamdiu falsis rerum nostrarum narrationibus illudum est, manifesta historiae veritas patebit, et bonam vel malam famam pro meritis habebunt, qui hactenus Scriptorum odiis aut assentionibus indigne habiti sunt." D. Roberti Gordon a Pitlurg et Straloch Praefatio in Hist. Ecclesiast. D. Johannis Spotswoodi, *ap.* Johannis Forbesii Opera, tom i. Amstel. 1703.

(2) "Miror quid Domino in mentem venerit, qui onus, quod tibi uni in Scotia, omnes qui te norunt imponendum judicarent, tanquam qui solus ad id par sis, aliis imponere cupias, ut sub ejus pondere opprimantur." Epist. Autog. in archiv. Pitlurg. Burneti Epistola ad D. Rob. Gordon a Straloch, *ap.* J. Forbesii Opera, tom. i.

(3) *Analecta Scotica*, vol. ii. p. 140.

MS. Hist.," and claims for it high authority, on the ground that this, as he affirms, was an undoubted fact. The mistake was pointed out by Man in 1741 ;⁽¹⁾ but as his performance seems not to have attracted much notice, the error has been continued to the present day.

It is manifest, however, from many passages in the Memoirs, that they could not have been written by Straloch. In book fifth, chapter seventeenth, for instance, the Author speaks of himself as having accompanied certain commissioners, of whom he says Straloch was one. And, which is quite decisive on the point, in book second, chapter forty-sixth, he refers to an event which occurred in 1673, while, as already mentioned, Robert Gordon died in 1661.

On the other hand, there seems to be sufficient proof that the work has been correctly ascribed to the Parson of Rothiemay. Man, who wrote within little more than half a century after Gordon's death, was assured by his grandson, the Laird of Techmuiry, that the Memoirs attributed to Straloch, were composed by his son James.

The evidence of Dr. William Gordon, which has been cited previously,⁽²⁾ is equally explicit; and these testimonies receive corroboration from passages in the volumes themselves.

It is known that Alexander Innes was succeeded as Parson of Rothiemay by James Gordon. In book fifth, chapter twenty-first, this event is narrated; and the peculiar expressions used, which have been already quoted,⁽³⁾ can hardly be explained on any other ground than that the successor of Innes was the Author himself. In accordance with this, the argument prefixed to the book des-

(1) See below, Appendix to the Preface, No. I. p. xxiii.

(2) See above, p. 28.

(3) See above, pp. 30, 31.

cribes the contents of this chapter in the following words: "*Mr. Alexander Innes, Minister at Rothemay turned out; succeeded by Mr. James Gordon our Author.*"

Another confirmation may be drawn from the obvious similarity of style between the History and the "Description of both touns of Aberdeene," which is known to have been written by Gordon.

SOME conjectures have already been offered as to the fate of the Author's manuscript. Whatever that may have been, there can be little doubt of the accuracy and authenticity of the copy from which these volumes have been printed, since it agrees to the letter with numerous quotations apparently made from the original, by three different writers at three different times; by William Gordon, in 1727; by James Man, in 1741; and by Dr. William Gordon, about 1780.

It is evident, as well from many particular passages, as from the general tone of the work, that it was written after the drama, of which it relates the opening events, had closed. As has been mentioned, the Author in one place speaks of an incident which occurred in the year 1673; and although it would not be safe to conclude from this that no portion of the History was composed previous to that time, it is evident, from numerous allusions, that little or none of it was written before the Restoration.

The Manuscript, as it has come down to us, commences with the second book; but there is no great reason to suppose that the first was completed. It is spoken of in the inscription on Ruddiman's copy, as "wanting," and as "probably never written, being designed only as an introduction to the rest;" and in the books which exist, there are inserted digressions on ecclesiastical affairs

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in former reigns, which, falling within the plan laid down by the Author for his first book, would, in accordance with his declared intention, have been given there.⁽¹⁾

There is, however, unfortunately, some reason to believe that we are not now in possession of all that was written by Gordon. It is evident that he contemplated a complete history of the Rebellion, and that he accomplished it is expressly affirmed by the first writer who is known to have had the use of his Memoirs. The historian of the Gordons says, in a passage already alluded to, "The learned *Straloch* wrote a full and excellent History of the Troubles in those Times, from the year 1636 to the Restoration, 1660; but, to the Nation's Loss, it is now lost. All that I after the narrowest Search among the Friends of that Family, was able to recover of it, was so much as contains the History of 1637, 38, 39, and a part of 40; and these few Years take upwards of ninety Sheets of Paper, in close and small Write;⁽²⁾ and what we have of it is wrote with such Candour and Judgement, that if it had not been lost, it would have made up an excellent History."⁽³⁾ It may be doubted how far implicit faith should be placed in this statement by a writer, not remarkable for his accuracy, and who in this very passage has fallen into a material and inexcusable error, as to the Author of the book under his consideration. Against his assertion that the work was completed, might be placed the assertion, equally explicit, of the more accurate Dr. William Gordon, that, "receiving no encouragement in a time of general distress, it was

(1) See below, History of Scots Affairs, b. ii. ch. i. introd.; b. iii. ch. xliii. note.

(2) This description is so applicable to the somewhat peculiar handwriting of the Parson of Rothiemay, as nearly to warrant the conclusion that this copy was autograph of the Author.

(3) History of the Illustrious Family of Gordon, vol. i. Introduction, p. xxvii.

soon abandoned." On the other hand, the statement of the elder writer derives strong confirmation from repeated references made by him to "Straloch's MS." These citations, commencing with the opening of the second book, in the year 1637, extend to the battle of Auldearn, in May, 1645, if not to later events;⁽¹⁾ while the last occurrence recorded in The King's College copy is not of a more recent date than September, 1640. It does not, however, seem very easy to reconcile these quotations with the writer's previous confession, that he had been unable to recover any part of the Manuscript beyond the year 1640. It is very true that this statement appeared in the Introduction to his first volume; that a year elapsed before the publication of the second, where only the quotations alluded to occur; and that, during this time, he may have found the additional books. Still the fact is remarkable, that, in 1780, when Dr. Gordon wrote, the Manuscript in possession of the family of Techmuiry consisted of the precise number of ninety sheets, mentioned by William Gordon, in 1726.

THE general character of Gordon as an Historian, and the value which ought to be attached to his work, are points which the Editors

(1) See History of Illustrious Family of Gordon, vol. ii. *passim*. References to "Straloch's MS." for events subsequent to September, 1640, (where the MS. now terminates,) occur at pages 423, 427, 431, 441, 442, 443, 445, 463, 500, and 512. From the same source we learn that some years of Spalding's History of the Troubles are lost to us. Gordon tells us that "the Manuscript of Mr. Spalding 'tis writ by way of Diary, and gives an Account of the Transactions of Scotland, from 1630 to 1650." The last date in the Bannatyne edition is in June, 1645; but Gordon continues to quote "Spalden's MS." for the events of the two following years, his last reference apparently being to an occurrence in December, 1647. See History of Illustrious Family of Gordon, vol. ii. pp. 151, 468, 469, 470, 500, 511, 512, 530, 533, 534, and 546. This confirms Man's remark, "that there's certainly a Part of Spalding's Journal lost;" and indeed he adds, "I have heard of an Abstract of that Part continued to the Year 1650: But after all the search I could possibly make, cannot find it out."

would willingly leave to the judgment of his readers. It may, however, be remarked, that the value of his Memoirs is in so far demonstrated by the numerous references made to them (even while they were locked up in manuscript), by those who have written of the times to which they relate. Their Author, beyond most persons of his age, had access to the best sources of information, and the use which he has made of his advantages is sufficiently shewn by his numerous citations of printed and manuscript authorities. He had the means of consulting the valuable collections of his father,⁽¹⁾ who devoted a considerable part of his time to gathering materials for a similar work. He had also availed himself of his opportunities of conversing with many of the leading persons of the day, and had himself witnessed some of the events which he describes. What he could not personally learn in this respect, he might acquire from Straloch, who was in constant communication with most parts of Scotland, and was no inattentive observer of the occurrences of the time.

It might seem invidious to institute a comparison between him and contemporary writers; but, while it is by no means pretended that he surpasses them generally in his style, which has few claims to excellence; he will be found, on a candid examination, to possess the more valuable qualities of correctness and impartiality. It is evident, indeed, that he endeavoured to steer a middle course between the opposing parties which divided the nation. Though a firm loyalist, and perhaps favourable to a moderate Episcopacy, he was hostile to the Liturgy and to the Book of Canons, as well on

(1) "Straloch," says Man, "made a large Collection of the printed Papers emitted on both sides, of which I have several Volumes in my Hands."

account of their matter, as on account of the way in which they were introduced.


It remains for the Editors to offer a few explanations as to the manner in which they have endeavoured to discharge the duty entrusted to them by the Committee of the Club.

The text of the Manuscript has been throughout scrupulously adhered to, except in one or two instances where there were manifest clerical errors. The orthography has likewise been preserved, varying and inconsistent as it is. The punctuation was, however, so obviously incorrect, that little or no reliance could be placed on it; and the Editors were obliged in this respect to exercise their own judgment. In not a few instances, from the involution of the language, they found the meaning so obscure, that they had some difficulty in determining the proper points, and are doubtful if they have always succeeded in bringing out what the Author intended to express.

Except in a few cases, where they failed to find access to the works referred to, they have verified the Author's quotations; and are thus able to bear testimony to his accuracy. The errors which they have had to correct are few and altogether unimportant.

THE ARGUMENTS of the books, as they are styled, though apparently not wholly drawn up by the Author, have, from considerations of their utility, been retained.

It may be doubted how far the numerous Notes which occur on the margin of the manuscript were in all instances written by the Author: if truly his, many of them must have been added at a period subsequent to the composition of the Text. It has, on the whole, been thought proper in every case to retain them, however



minute, even when nothing more than a simple *nota bene* to excite the attention of the reader.

The Editors have confined their own annotations (which are distinguished from the others by being printed within brackets), to a few notices explanatory of the text, to such brief illustrations of it as appeared necessary, and to occasional references to other works, which confirm, or explain, the statements of the Author.

An ample INDEX is given in the third volume.

The Editors have to acknowledge the politeness of the many individuals who so readily answered their enquiries for information. They are under particular obligations to Mrs. Gordon of Pitlurg, for free access to the papers of that ancient family ; and to the Secretary of the Club, for his ready aid on all occasions, especially for his trouble in examining and transcribing the records at Rothiemay.

JOSEPH ROBERTSON.
GEORGE GRUB.

ABERDEEN, 30th November, M.DCCC.XL.

APPENDIX TO THE PREFACE.

NO. I.

INTRODUCTION BY JAMES MAN TO HIS PROJECTED "MEMOIRS OF SCOTISH AFFAIRS FROM 1624 TO 1651," AND FRAGMENT OF THAT WORK.

HAVING undertaken to publish several MSS. containing the Transactions of our own Nation during a considerable Part of the last Century; it may not be improper to premise some Account of my Authors, and of the Manner in which I have chosen to present them to publick View.

I begin with Mr. *Robert Gordon of Straloch*; not so much on Account of what may be drawn from his Writings concerning the Affairs of the last Age, as for the sake of the great Honour he has reflected on his Country and Family by his eminent Learning. He is looked upon as the Representative of *John Gordon of Essie* and *Scordarg*, elder Brother of *Thomas* in *Daach of Ruthven*, Brothers or Uncles to *Elisabeth Gordon* the Heiress, who was a Daughter of *John Lord of Strathbogy* by his Lady Daughter to Lord *Somerville*, and who married Sir *Alexander Seton*, Father of *Alexander* first Earl of *Huntly*. Hence many considerable Families of the Name of *Gordon* have owned *Straloch*, as they do his Representative *Pithurg* at this Day, for their Chief; tho' *Straloch* himself is so modest as to make no mention of it, where he had a very fair Occasion: only he says, and others after him, that the Simplicity of the Coat of Arms of the two Brothers and their descendants, viz. 3 Boar's Heads, Or, in a Field, Azure, without any mark of illegitimacy, assum'd at a Time when the strictest Inquiry was made into Matters of that kind, and Families were not suffered to assume Ensigns armorial at Pleasure, proves them to have been Uncles of the Heiress, and put by the Inheritance, because at that Time Estates were not entailed to Heirs Male. Yet *Ferreri*us and *Dalmoir* make them natural Brothers of the Heiress, and Sons of *Adam Gordon* and *Elisabeth Cruickshank*, a Daughter of *Assicanlie's*. Be it as it will, in two MSS. one written by *Gilbert Leslie*, Writing-Master in *Aberdeen*, at the direction of Sir

John Gordon of Craig-Auchindoir,* and the other by a later Hand, we have the Genealogy of the Families descended from the two Brothers, but like those of many other Families, have nothing historical intermix'd; unless we reckon an Account of the Lands they purchased and the Houses they built to be of that kind. Of *John of Scordarg* are the Houses of *Straloch*, or *Pithurg*, *Carnburrow*, *Haddo* or *Methlick*, *Buckie*, *Auchindoir*, *Lesmoir*, *Fuizemont*, *Auchmenzie* or *Tillochowdie*, *Tilliminnat*, *Knockaspack*, &c. that dwelt in *Strathbogy*, *Buchan* and *Mar*. Of *Thomas of Ruthven* or *Daach* are, *Sauchin*, *Cluny-Moir*, *Innercharrach*, *Ardmil-lan*, *Balveny*, *Muirek*, *Kethock's-Mill*, *Noth*, *Bracheley*, *Knock*, *Cults*, *Toldow*, *Lawase*, &c. who Inhabited *Morthleck*, *Glenmuick*, and the Neighbouring Parts.† But what I am particularly concerned with is the Genealogy of *Straloch's* Family, which in the above mentioned MSS. stands thus, and may serve as a Sample of the rest. *John of Scordarg* married *Margaret Maitland* Sister to Sir *Pat. Maitland* of *Gight*; his Son *John* married *Elisabeth Abernethie*, Daughter to the *L. Salton* and purchased the Lands of *Longweir* (or *Langar*) and *Botarie*; or his Son *John*, who Married *Barbara*, Daughter of Sir *Alexander Forbes* of *Pitsligo*; whose Son *John* married *Jean Stewart*, a Daughter of the Earl of *Athol*, and exchanged *Longweir* in the *Mearns* with *Chrenechin* and purchased *Pithurg* and other Lands in *Buchan* (in which Country *For-Martin*, where *Straloch* lies, was formerly included); his Son *John* married *Janet* Daughter to *James Ogilvie* of *Cullen* and *Elisabeth Gordon*, afterwards Lady *Findlater*, with whom he got in Tocher the Lands of *Broadlands* in *Strathbogy*; his Son *John*, our Author's Grandfather,

* Dr. Arthur Johnston, probably from Aberdeen, addresses a Poem to Gordon of Craig, which describes him as a very polite Gentleman. The Dr. blames him for being so much attached to the Heather of the Cabrach (adjoining to Craig's Estate above 20 Miles to the N.W. of Aberdeen) where there was no one to teach or to be taught, where he saw nothing but deaf Rocks, Dens of wild Beasts, and the Fowls of Heaven, where all the People were barbarous, the Land inhospitable, always covered over with Frost and Snow; and for keeping at a distance from the City, which Tully, Naso, Virgil, Catullus, preferred to the Country, and in which he might exert the force of his Genius, and display his Talent at eloquence. It was not decent to suffer his fine endowments to languish away, and his singular accomplishments to mould for want of use, when the publick Offices called for him, when the Court, the Bench, the Bar had an Eye to him. What signified his great Genius, his fine Parts, his acquaintance with the Muses, if Cabrach alone enjoyed the Benefit of his Studies? Or, his having seen the World, if the common-wealth received none of his Aid? 'Tis hard indeed to bid adieu to our native Soil; but when the Publick stands in need of assistance, every one contributes what he is able to lend; as Menæceus, the Decii, the Fabii, Scævola, Erechtæus, who sacrificed his own Son, and Brutus, who was sacrificed by his own Father. In conclusion he tells him, could he prevail with him to leave his Retirement, both Scotland and Craig should have as great Obligations to Johnston as Greece and Achilles had to Ulysses.

† Thomas had 18 Sons, of whom the fourth by the Laird of Innes's Daughter George of Hallhead married a Daughter of Mortimer of Cragivar, and by her had John of Hallhead; of whom descended the Family of Tilliangus.

married *Isobel** 4th Daughter of *William Lord Forbes*, and *Elisabeth Keith* one of the two Heiresses of *Innerugie*, and with all that accompanied him under *Huntly's* Banner (and 29 *Aberdeen's* Men) was Slain in the Field of *Pinkie-Cleugh* in 1547 ; at which Time Sir *John Gordon* of *Pitlurg*, Mr *Robert's* Father, was but an Infant five Months old.

Sir *John* of *Pitlurg*, who married *Nicholas Kinnaird*, a Daughter of *Kinnaird* of that Ilk, was a great confident of *George* sixth Earl of *Huntly*, who with the Earls of *Angus* and *Errol*, did, in 1593, write Letters inviting *Philip* King of *Spain* to make a descent on *Scotland*, and promising him Assistance from all the Roman Catholicks there, in order to the introducing of *Popery* into that Kingdom. *Straloch*, tho' he leaves his reader at Liberty to believe as he lists, seems to think this was but a sham Plot ; because the design, he says, was impracticable, and he had found among his Father's Papers a Letter of *George Ker's* (this was the Bearer of the Letters to the King of *Spain*, but seized as he was about to go beyond Sea) to *Huntly* ; wherein he retracts what he had said to the prejudice of *Huntly* and the other two *Popish* Lords, as extorted from him by the Violence of Torture and the fear of Death. It is however certain the whole Nation was so inflamed, that King *James VI.* was obliged, contrary to his Inclination, to send an Army against them under *Argyle*, and, after his defeat at *Glenlivet*, to come in Person to *Aberdeen* and the Northern Parts. The King was so little concerned at *Argyle's* overthrow, that he gave a Commission of Lieutenantry to *Lennox*, *Huntly's* Brother in Law and most special Friend, to whom the Lady *Huntly* had free access. *Straloch* says, he found among his Father's Papers Letters writ with the King's own Hand to *Huntly*, wherein he gave him serious Advice how he ought to behave himself in the several conjunctures that happen'd ; and that his Father, tho' a Protestant, did great Service to *Huntly* (who kept him for that purpose, at a distance from Arms) by carrying his Messages to the King after the Murder of the Earl of *Murray* ; that this correspondence continued whilst the King was at *Aberdeen*, by the means of *Pitlurg*, who four Nights after the King's departure, gave *Lennox* a Treat in his own Lodging in that City, at which *Straloch* himself, then a very young Man, saw present *Huntly*, and *John Leslie* of *Balquhain*, a Man of prime note in these Parts ; and that this could not be done without the King's Knowledge, and was well known to many, tho' not to all. These are manifest Proofs of the King's playing Booty with these *Popish* Lords, particularly with *Huntly*, who had done him a singular Piece of Service in taking off *Murray*. *Pitlurg* has died about the Year 1600 ; for I find him mention'd as alive about the end of 1599, and on the 3d of *June* 1601 his Son Mr. *Robert* (his Daughter *Barbara* the other Executor being a *Minor*) gave his Oath before one of the Magistrates of *Aberdeen*, that the Inven-

Origo et
progressus
famil. Gor-
don.

Records of
Abd.

* This Lady *Straloch* has lived to a great Age ; for I find her mention'd as alive in 1604.

tary of their Father's Goods was honestly and truly given up. It is likely his Father's Death has called *Straloch* home from *Paris*, whither he had gone to prosecute his Studies, and where he became acquainted with *John Gordon* Son of *Alexander* Bishop of *Galloway*, who was Brother to the Earl of *Huntly*, and renounced *Poperly* at the Time of the Reformation. This *John Gordon* lived most of his Time in *France*, and was a Man of great Learning, many of whose Poems, *viz.* Epigrams, Emblems and the like, *Straloch* saw with him about the Year 1599 in Sheets, the production of a polite and delicate Genius, and well worthy of being made public. He was of the Bed-Chamber to *Charles IX.* a Favourite of *Henry III.* and tho' a Protestant, saved by the former at the *Bartholomew* Massacre in 1572; for when the Assassins had broke into his House, he desired them to spare him, till he was brought to the King, who continued him in his Post. As he had spent most of his Time in the Study of Divinity, he was, when well advanced in Years, called over to *England* by King *James*, and made Dean of *Salisbury*. His Daughter was married to Sir *Robert Gordon*, Brother to the Earl of *Sutherland*; of whom more hereafter.

Another intimate of *Straloch's*, while he was abroad, was the famous Mr. *Robert Bruce*, who for an insolent Speech to the King, concerning *Huntly*, mentioned only by our Author, after *Spotswood*, who loved him not, was banished to *France*; where, coming to himself, says *Straloch*, after many repeated solicitations, he obtained leave of King *James* to return to *Scotland*, provided he confined himself to the Northern-Parts. I saw him, continues he, during his exile in *France*, and had frequent familiar Conversation with him there: and after his Return I heard him preach at *Aberdeen*, and saw a vast change upon him: his exile had done him Service; he was now become humble, mild, and gentle. *Robert Johnston*,* a Writer, not over

* This Robert Johnston has writ in a good Latin Stile a History of Britain (or rather of the most considerable Part of Europe,) from 1572, where Buchanan breaks off, to 1628: the two first Books whereof were Published during his Life, and dedicated to King Charles the I, and the whole published after his Death at Amsterdam in 1655. All that we learn concerning him from his History is, that he was a Scotsman, who lived at the Court of King James and King Charles, and was made one of the three Executors of George Heriot, Jeweller to the King, who, besides 10,000L. St. to his Friends, bequeathed towards a Hospital at Edinburgh, a vast Sum, concredited to King James, Prince Charles and the Duke of Buckingham, who made but an ill Account of it. Johnston petitioned first King James in vain; and afterwards King Charles to pay his own and his Father's Debt, destined to the Maintenance of Orphans. The King ordered the Treasurer and Treasurer-Depute to pay the Money; but Johnston's Patience was tired out with delays. He intented a Process against Buckingham's Stewart. The Matter was at last compounded, and 1500L. Sterl. paid. I suppose this Historian to have been originally of Aberdeen, and the same Person that by his Latter-Will dated Sept. 30. 1639, in which he is designed Mr. Robert Johnston of the Parish of Stain Black-Friar's, London, Esquire, Mortified 600L. Ster. upon the Town of Aberdeen's putting in sufficient Security to his Executors (John Joyssie of Edinburgh and Robert Inglis of London, Merchants) and Overseers (Sir David Cuninghame was

favourable to the Puritans, and with whom *Straloch* seems to be particularly pleased, because he taxes the Ecclesiasticks with Pride, Insolence and Avarice more freely than *Spotswood*, gives a Character of *Bruce* and an Account of his Conduct after his Return, which tends highly to his Honour and Reputation.

But to come directly to *Straloch's* Writings. The *Theatrum Scotiæ in Blaeu's Atlas*, (Fol. *Amst.* 1662) was mostly compiled by him, who had from his younger Years applied himself to the Study of Geography; but first begun at the Expence of Sir *John Scot* of *Scots-Tarvet*, director of the Chancery, who encouraged *Timothy Pont* in the Survey of the whole Kingdom. After *Pont's* Death his Maps and Papers were sent to *Straloch*; who, with his Son *James* surveyed several Parts of the Nation not meddled with before. Sir *John* also procured for them an Order of the General Assembly, directing such Ministers as they desired to be aiding to him in the Accounts of their respective Shires. And from hence it was that they were furnished with Materials for those admirable descriptions, which are now printed with the 46 Maps of that noble Work. There are not, indeed, so many of them of *Straloch's* own composure as could be wished; he having been a good while incapacitated for the due carrying on of his undertaking by the Iniquity of the Times, and his own circumstances, of which he gives the following enumeration in his Dedication of the Atlas to Sir *John Scot*, on whom he bestows very high encomiums; his numerous offspring (by his Lady, *Catharine* Daughter to *Alexander Irvine* of *Lenturk*, he had ten Sons (of whom *Robert*, the eldest married *Catharine* Daughter Sir *Thomas Burnet* of *Leys*) and five Daughters that came to Mature Age) the care of his Estate; his old Age; his love of private and retired Life; the civil Commotions, wherewith the Kingdom had been for many Years harassed; *ego in ea regione vitam agens*, adds he, *ubi omnium turbarum centrum*, &c. his living in a Country, which was the Centre of all the Troubles, as he often felt to his cost; and tho' by Sir *John Scot's* Procurement, he had all the Protections from the Estates of Parliament, that could be desired, yet he found not his condition sufficiently secure; because at that Time (the Dedication bears date at *Abd. Jan.* 24. 1648) the thunder of War was not ceased in the North-Country. Upon these Accounts he devolved his undertaking on *Dav. Buchanan*, who had revised a great

named Supervisor) to employ that Sum in a Stock to remain for ever, that the poor people of the City of Aberdeen might be set to Work at lawful Trades and Manufactures for the Benefit of the Common-wealth; whereby the aged, blind, lame, and impotent People of the said City might be relieved yearly out of the Increase and Profit of the Stock. The Earl of Haddington paid off a great Sum due by his Father to the Mortifier, of which the above Mortification, paid in 1644, was a Part. Robert Spence, Johnston's Heir, was so much reduced in 1657, that the Town of Aberdeen gave him 20L. Sterl. to put his Son to a Trade. I have been the more particular in this Matter, that, if I am out in my Conjecture concerning the Historian and Mortifier being the same Person, such as have the Means of more certain Knowledge may set me right.

deal of the first projected draughts ; but his Life ended before the Troubles, and he only finished a very few of the County Descriptions. Soon after, *Straloch* was much abused (in the Edition of 1655) by the publisher, who dedicated the Book to *Ol. Cromwell*, instead of King *Charles II*, omitted some of his best Descriptions (particularly those of *Aberdeen-Shire* and *Banff*;) and prefaced the whole with *Buchanan's* Dialogue *de jure regni*. Before the Maps, are 19 Discourses relating to the general State of the Kingdom. Some of *Straloch's* lesser Composures in Latin, touching the Antiquities of his Native Country, were deposited by his forementioned worthy Son, Mr. *James Gordon* Minister of *Rothemay*, in the Hands of Sir *Robert Sibbald*, who communicated to Dr. *Nicolson*, Bishop of *Carlisle*, his Notes on *Bede's* History, touching the *Scotish* Antiquities, and three Dissertations, 1. On the Origin of the *Saxon* Language among the *Scots*. 2. On the Origin of the Nation, and 3. Accounting for the Country's being so thinly inhabited. I have seen his short Notes on *Boyes's* History, writ with his own Hand on the Margin of that Copy of *Boyes* which belonged to him. There was a critical Letter of his to *David Buchanan*, dated *July 25*, 1649, on the subject of the *Scotish* Historians, in the Possession of Sir *Alexander Seton* of *Pitmedden*, from which Dr. *Nicolson* published some Extracts ; in which Letter, as well as in his Notes on *Boyes*, he is perhaps a little too severe upon him for being so little nice and curious in the Matter of his Work ; since great Allowances ought to be made for an Author that lived in the Times of so much Darkness and Ignorance. *Straloch* says, when he was a young Man, he heard at *Aberdeen*, where *Boyes* was Principal of the King's College, and died ; that in order to procure Credit to his own History, and that the *Scotish* Antiquities might be derived only from that Source, he destroyed the Manuscript Copies of *Veremund* and *Corn. Hibernicus*. Yet he doubts not of the Genuinness of these Authors, which might otherwise have been lost, or of *Boyes's* copying from them : On the contrary he contends strenuously for the Antiquities of his Native Country. He observes, after *Mercator*, that the Account which *Claudius Ptolemæus*, a famous Mathematician of *Alexandria*, who flourished in the second Century, under the Reign of *Antoninus Pius* the Roman Emperor, gives of the Ancient State of *Scotland*, is very just and true ; provided that what he places to the East be turned Northward. In those early Times, the *Romans*, hindered by the *Caledonians*, strenuous Defenders of Liberty, from penetrating into the Heart of their Country, did nevertheless survey the Coasts of the Isles and Continent of *Great-Britain* and *Ireland*, by sailing round them. And with these helps, 'tis probable, *Ptolemy's* Maps of greater and lesser *Albion* (*i. e.* in his Stile, *Britain* and *Ireland*) were described. *Dav. Buchanan*, in his Preface to *Knox's* History, explains some of *Ptolemy's* old Names of Places ; fetching many of them from the *Hebrew*, as *R. Maule* more probably does from the *Celtic* Sir *Robert Sibbald* has likewise writ on the same Subject. But *Patrick Ninian*

Weems, a learned *Jesuit*, well seen in the Antiquities of his native Country, has bestowed the greatest Pains in explaining the proper Names, which that illustrious Geographer has made use of in his Description of *Scotland*, and by that Means has cleared up and confirmed Mr. *George Buchanan's* Account of the Origin of the *Scots*, and of the Antiquity of their Settlement in the North of *Britain*. 'Tis well known, that the last mentioned Author makes the *Scots* to be descended of a Colony of the *Celtæ*, who, after they had settled in the North of *Spain*, sent out a Colony to *Ireland*; whence, their Numbers increasing, they came over first to the West-Isles, and afterwards to the Continent of *Scotland*. This he proves, not only from the Sameness of the Religion, Customs, and Manners, but also from the Affinity of the Languages of these People; which shews the *Gaelic*, *Erse*, or old *Scots*, to be the same with the *Celtic*, or the Daughter of it. This, *F. Weems*, in his *Caledonia*, makes appear in many surprising instances. He runs thro' the Alphabet and, under every Letter of it, shews the agreement betwixt *Ptolemy's Celtic* Names of Countries, Towns, and Rivers, and the *Gaelic* or old *Scotish* ones. If all his Conjectures are not well founded, they are at least very plausible and ingenious.*

F. Weems has likewise written a Genealogical Account of the *M'duffs*, of whom the *Duffs*, *Weemses*, *M'intoshes* and from these last again the *Farquharsons*, a flourishing Family in *Aberdeen-Shire*, are descended. He reckons the great *M'duff*, first Earl of *Fife*, that slew *M'beth* the Usurper and established *Malcolm Canmoir* on the Throne, the 8th Thane from *Fife Duff*, who was in 838 created first Thane of *Fife* by *Kenneth 2d*, to whom he was related. His Posterity retained that Dignity for about 500 Years, till *Duncan 7th* of the Name, 20th Thane, and 13th and last Earl, whose Father in 1307 had married *Mary Mortimer*, Niece to *Edward*, King of *England*, by taking Part with the *English* ruined his Family. For having been made Governour of *Perth*, under *Edward Baliol*, he was taken

* I shall here give the curious Reader some instances of *Weems's* explications of *Ptolemy's* names of Places. *Varar*, *Inverness*, the second Burgh of the North of *Scotland*, and *Vararis*, the River-Ness, both being at this Day by the Highlanders called *Farar*, from the Inhabitants feeding Herds of Cattle in the Summer-time in *Shealings* or Huts, all over the adjacent Fields and along the Banks of that River; *Tuæsis*, a Town and River, from *Tua* the North, and *Ess*, a Linn, or steep downfall of Water, *i. e.* *Spey*, a most rapid River, and as *F. Weems* conjectures, the Town *Roth-Ess*, *Roth* signifying an Army or Place of rendezvous for armed Men; The Mouth of the River *Celnus*, *Dovern*, from *Gealnic*, white; *Alata Castra* or *Dun-Aiden*, *Dun* a Hill, and *Aiden*, Winged, *Edr.* *Verni-Cones*, *Fearin-Co*, *Fearin* a Field, and *Co* and *Conigh*, a Habitation, Tent, or Hut, the *Fife* and *Angus* Men from their dwelling in the Fields. *Taizali* or *Texali*, which *Ptolemy* says ly more East-ward; And their Promontory *Taizalum*, *Buchan-Ness*; *Ta* signifies here, or the being in a definite Place, and *Issel*, according to the old Pronunciation, turning the double *ss* into *x*, *Low* and *Champion*, a Description perfectly agreeing to *Buchan*, which not only lies low, but runs further out into the German Ocean, than any other Part of *Scotland*: Tho' *Weems* extends it to *Boyne*, *Ainzie* and *Murray*.

by the *Bruce's* Party, and together with his Lady and Daughter cast into the Prison of *Kildrummy*, where he died in 1336. Upon this disaster, his Family was dispersed thro' the Kingdom, and afterwards gave rise to that of the *Duffs*, who are now very powerful in the North of *Scotland*. This Account of the Origin of the *Duffs*, Mr. *Weems* says he had from his Father.*

To return to *Straloch*. His History of the illustrious Family of the *Gordons*, which is carried down only to the year 1595, is writ in a clear and concise Latin Stile and very exact as to the Geography of Places, with which he was so well acquainted. I have seen the original MS. of this Book, (which has been composed after 1655, as appears by his mentioning *Spotswood's* and *Johnston's* Histories, which were not published till that year,) with the Remarks of Mr. *Robert Burnet* of *Crimond* and Dr. *George Middleton*, Principal of the King's College of *Aberdeen*, upon it. I have likewise seen several Copies of it, two very correct, and one very fair with the Author's Effigies written and drawn, I suppose, by *Robert Gordon*, his Grandson by his Son *Arthur*, and founder of the Hospital at *Aberdeen*, for the Education of poor Boys, particularly of the Name of *Gordon* and *Menzies*. *Straloch's* high Notions of the regal Power, join'd to his affection to the Family of *Huntly*, led him to say some severe Things of our first Reformers and their immediate Successors, whose Example, he says in his Preface to *Spotswood's* History, the Covenanters copied after. I shall at present touch only at some passages, not very favourable to *James Stewart*, Earl of *Murray*, of which one, no where else to be met with, *Straloch* says he had from his Father. It is to this Effect. After *Murray* had defeated *Huntly* at *Corrichie*, he caused *Hamilton*, Earl of *Arran*, to deliver up his Son-in-law, *George Lord Gordon*, who was shut up in close Prison in the Castle of *Dunbar*, and, among other Papers, which were daily put into the Queens Hands to be signed by her, shuffled in a Warrant to the Keeper of the Castle to behead his Prisoner. The keeper told all to the Captive, who was confident it was an Artifice of *Murray's*, and that the Warrant had been surreptitiously obtained from the Queen, of whose good-will towards him he was well assured; and therefore begged the Keeper to go to the Queen, and learn her Pleasure from her own Mouth. The Keeper obey'd, came to her about Midnight; who, when she saw the Warrant for beheading *Huntly*, and heard it was put in Execution,

* By the Records of the Town of *Aberdeen*, I find there have been of the *Duffs* all along from 1398 (where their Books begin) Inhabitants of that City. Particularly, I find, a little after the Reformation, three *Alexander Duffs*, Grandfather, Father, and Son, the two last of them designed of *Torrisoill*. And the Contract of the last *Alexr's* Marriage with *Christian Lumsden*, youngest Daughter to Mr. *Robert Lumsden* of *Clova*, who with *David Mar Baillie*, was an eminent Reformer, and represented the City of *Abdn.* in several Parliaments, particularly during the Regency of the Earl of *Murray*, bears date at *Abdn.* Jan. 10. 1587. *Adam Duff*, his eldest Son, is designed of *Wester-Ard-breck*; with whom were contemporary *John Duff* of *Craighead*, *John Duff* of *Bogholl*, and *Adam Duff* of *Drummuir*.

was amazed, and with a Flood of Tears cried out, This is the Effect of my Brother's Malice, who in this, as in many other Things has imposed upon me. When she found the Warrant was not put in Execution, with a chearful Countenance she tore it, and gave the Keeper another to detain *Huntly* in Prison, till she gave Orders what was to be done, and desired him no longer to trust, in what concerned the Prisoner, to Papers, but to her own Words. Yet, adds *Straloch*, he continued above two years in that Prison. *Knox*, betwixt whom and *Murray* there was not a perfect good understanding at that Time, gives a different and contrary Account of the Matter. He says, the Duke apprehended the Lord *Gordon*, his Son-in-law; because the Queen had given him strict Orders so to do, if he repaired within his Bounds. Before he delivered him, the Earl of *Murray* laboured at the Queen's Hands for the Safety of his Life (tho' *Straloch* says *Murray* had a settled design to root out the Family of *Huntly*, yet he owns he spared *Adam Gordon* a Brother of *Huntly's* who had been at *Corrichie*) which hardly was granted; and so was he delivered within the Castle of *Edinburgh*, Novr. 28. 1562; where he remained till Feb. 8. when he was put to an Assize, accused and convicted of Treason: but was restored again, first to the Castle aforesaid, and afterwards was transported to *Dunbar*, where he remained Prisoner, till August 1565.

Another Story concerning *Murray* has probably been likewise told to *Straloch* by his Father and taken rise from the Enmity of *Huntly's* Family to *Murray's*, viz. That *Murray* gave the Earl of *Buchan's* only Daughter and Heir hopes that he would marry her, but, taking a Journey into the Northern-Parts of the Kingdom, he was so charmed with the Beauty of Earl *Marshal's* Daughter, that neglecting the other, he married her: Yet he kept the Earldom of *Buchan*, and the despised Lady remained in his Mother's House, whom nevertheless, *Robert Douglas*, his Brother by the Mother's side, married in hopes of the Earldom, and, being seconded by her Friends, demanded Restitution of what belonged to his Wife; which *Murray* unwillingly made, tho' several Lands were rent from the Earldom. Yet by a Letter of Sir *Thomas Randolph's* to secretary *Cecil*, dated

Keith's Coll.

Edr. Oct. 24. 1561, it appears there had been a long courtship betwixt the Earl of *Murray* and *Agnes Keith*. The Earl *Marschal's* Daughter, says he, is lately come to this Town: we look shortly what shall become of the long Love betwixt the Lord *James* (so *Murray* was designed before he was created Earl) and that Lady.

Straloch, like several other Writers, charges *Murray* with aspiring to the Crown, and says *Buchanan* writ his History with a view to advance him to that Dignity; tho' Sir *James Melvil*, who was, in the Queen Regent's Time, sent over to *Scotland* by *Henry 2d of France*, on purpose to make the strictest Inquiry into that Matter, could find no Colour for such an Accusation; and, if *Spotswood* is to be credited, *Huntly's* Arguments to support the Charge against *Murray* were so very weak, that the Queen his Sister paid no Regard to them. Never Man had

fairer Opportunities of gratifying Ambition in that Way than had the Earl of *Murray*. Had he had such a longing Desire to seize on the Government, why did he not attempt, whilst his Sister was still in *France*, after the Death of the Queen Regent and *Francis II*? There could never have been a properer Juncture for excluding the Queen from *Scotland*. The Church was newly reformed; *Mary* was a violent Enemy to the Protestants, having been bred up in Counsels and Spectacles of Blood and Slaughter against them. The *Scots* had just Reason to fear lest *Mary*, upon her Return to *Scotland*, should imitate *Mary of England*, and overturn the Work of the Reformation, which was but just compleated. The Earl of *Murray* could easily have nourished and fomented these Apprehensions, and by that Means got the Door of *Scotland* barr'd against his Sister. Instead of that, he goes over himself for her to *France*, and * compels her to Return to her Dominions, and procures a Toleration for having Mass said in her Chapel, to the great Offence of all the most zealous Protestants, and protected her Priest, who had otherwise been handled very roughly, the very first Time he went to Mass.

He had another very fair Opportunity for compassing his Design, if he had had a mind to make himself Master of the Crown. When his Sister was confined to Prison after the Murder of her own Husband, *Murray* was Master of the Kingdom and of the Heir of the Crown. He had, says *Straloch*, the greatest Part of the Nobility obnoxious to him either thro' Fear or Flattery. *Argyle*, a subtile and unconstant Man, was allied to him, being married to a Daughter of King *James V.* by another Concubine; by *Morton*, who was privy to all his Secrets, he had the *Douglasses* at his Devotion; *Mar* was his Sister's Son (he might have added, *Marshal* his Father-in-law) *Athol* durst do nothing against so strong a Party; *Hamilton*, next Heir to the Crown, was a mild and gentle Man. If *Murray*, as *Straloch* says, was dextrous at laying hold of lucky Conjectures, and improving them to his own Advantage, *Occasiones fortuitas rapere, et in rem suam vertere*, it had been the easiest Thing in the World to have put the King, an Infant of about a year old, into the Hands of an unfaithful Nurse, who, without any Suspicion, could have cut the Thread of his Life. †

As for *Buchanan's* writing his History with a View to raise his Patron to the Throne, it is evidently a gross mistake. *Murray* died in 1570; and *Buchanan's*

* In the Description which Brantome (a Creature of the House of Guise, and an adorer of Queen Mary) gives of the Grief and Regret she expressed at parting with France, one sees all the Characters of a Soul dissolved in Love and Pleasure, and that would have heartily preferred the Delights of the Court of France to all the Considerations of her Reputation, Honour and Glory, and to all the Interests of her Religion and Dominions.

† Mr. Petrie tells us he had read of a Letter of *Murray's* to Queen *Elisabeth*, persuading her by several Arguments to abolish Episcopacy and establish the Presbyterian Government and Discipline in her Dominions; which coming to the Bishops Ears, they grumbled exceedingly, and cast upon him the Aspersion of Usurpation.

History was not published till 1582. Nor was he begun to write the History of the Reformation till 1577.* For speaking of the Death of Queen *Magdalen*, *James V.*'s first Wife, which happened in 1537, he says she was so much lamented, that he thinks the Custom of putting on Mourning Apparel was then introduced into *Scotland*, which, at the Time *Buchanan* wrote that Passage, was not become very common, tho' forty years were elapsed.

The Earl of *Murray's* Character has been more fully vindicated from the Imputations cast upon it, and more favourably drawn by a Roman Catholic Historian, the illustrious President of the Parliament of *Paris*, privy Counsellor to *Henry IV.* of *France*, and keeper of the Royal Library, I mean, *James Augustus de Thou*, than by *Buchanan* himself. That *French* Historian in a Letter to *Camden*, whom he perfectly convinced of the Injustice done to *Murray's* Character by the Reports that went current in King *James's* Court, tells us, that all the *Scots* he had occasion to converse with, (and there was a great Resort of People of that and other Nations of the best Character to his House) that deserved Credit, even those who bore an extreme Hatred to *Murray* on the Score of Religion, absolutely refused his having had a Design to usurp the Crown; and said, that, bating his Religion, he was a Man void of all Ambition, Avarice and Injustice, eminent for Virtue, Gentleness, Beneficence, and Innocence of Life; and that had it not been for him, King *James*, who hated his Memory so much, had never come to the Crown.† *Buchanan* says, the Magnificence, or rather excessive Luxury of the Earl of *Murray's* Marriage-Feast, gave great Offence to all his Friends, and afforded Matter of Reproach to his Enemies; and that so much the more, as in the former Part of his Life he had behaved himself with great Temperance. *De Thou* is more favourable. He says the Excess of that Entertainment was of the Queen's Procurement. *Ejusque nuptiæ insolito luxu, satagente regina, celebratæ sunt.* I know 'tis said, that *de Thou* is prejudiced against the Family of *Guise*; but this is said without any Foundation to support it. For in his Character of the Duke of *Guise*, who was killed by *Poltrot*, he makes the best Excuses for his Ambition, and describes his Behaviour at Death as heroic and truly christian; he was very well with his Son, and was, by his Lady *Mary Barbanson de Cani*, allied to that Family, for the Loss of whom he was so inconsolable, that her Death hastned his own. We have seen, that *de Thou* had his Informations from the best Hands, delivering every thing upon the Authority of Eye-witnesses, and laying no farther

* None of all *Buchanan's* Writings against the Queen and her Party were published till after the Earl of *Murray's* Death, and his Dialogue *de jure regni*, only in 1579, after King *James*, to whom it is dedicated, had assumed the Government.

† The learned Reader may consult the 7th Vol. of *Buckley's* Edition of *de Thou's* History, Part 5th *de successu Thuani Historiæ, apud regem Britannia*, where he will find a good many Curiosities upon this Subject.

Stress upon what *Buchanan* had said, than as he found it confirmed by them. That he was not disposed blindly to follow *Buchanan* may appear from hence, that he has taken Notice of a more glaring mistake in that Author than any of our late Critics upon his History have been able to discover. See p. 728. Edit. 1622 *Tom. 2d.* under the Year 1559, where speaking of the Skirmishes betwixt the *Scots* and *French*, and of *William Kirkaldy* of *Grange* lying in Ambush till a company of the latter, who had gone to Pillage, commanded by *Monsieur de la Bastie*, a *Savoyard*, were above a Mile from their Garrison, and his cutting of their Retreat, killing 50 of them, and sending the rest to *Dundee*, he adds, “*Buchanan*, by “mistake, affirms that their Commander, *Bastie*, was slain there, who is still alive “at the very Time I am writing this.”

Even *Straloch* is less severe on the Earl of *Murray* than several other Writers that have come after him, who have greatly abused one of the most amiable Characters in History. He owns he had a great many good Qualities, a firm Constitution of Body, able to endure any Fatigues; a Quickness at dispatching Business, and Dexterity at laying hold of lucky Conjectures, and improving them to his own advantage; Courage becoming a Warrior, but tempered with Prudence and Caution; Indulgence to his Friends, which was the cause of his Death.* His House was chaste, far from Riot and Luxury. Tho’ he was a Bastard Son of King *James V.* who was excessively given to Lewdness, it was certain he never in all his Life had to do with any Woman but his own Lady.

It is observable that *Straloch* speaks of *Bothwell* and the Queen as guilty of her Husbands Death, *Bothwellius homicidio regis se polluit, unde regina quoque infamia laborat*, without any Intimation of her Innocence, or her Brother’s Guilt. This is not to be wondered at, considering the strong Evidence that lies against her. On the Roman Catholic side are, *de Thou*, *Vincent de Laure*, Cardinal and Pope’s Nuncio, the Abbot *Pignerol*, his Secretary, and Archbishop *Beton*. On the Protestant side are, not to mention *Buchanan* and *Knox*, Sir *James Melvil*, *John Spotswood* the Superintendent, *John Spotswood* the Archbishop his Son, all of them highly obliged to herself, or Son, or both, Bishop *Parkhurst* and Archbishop *Grin-*

* James Earl of Murray was cruelly murder’d and shot in the Town of Lithgow by a false Traitor, James Hamilton of Bothwell-haugh (whose Life the Regent had spared when he might have justly taken it away) by the Conspiracy and Treason of his own Servant, William Kirkaldy, and John Hamilton, bloody Bishop of St. Andrew’s; whose death we pray God to revenge, So be it. Regist. of Abd. Hamilton was taken and hanged in April 1571, and Kirkaldy of Grange in 1573. Maitland of Ledington, who was likewise accessary to that base Murder poison’d himself: He died at length, says Sir James Melvil, after the old Roman Fashion, as was said, to prevent his coming to the Shambles with the rest. Sir James, says the Earl of Murray, was, and will ever deservedly be called the good Regent: tho’ he finds Fault with several Pieces of his Conduct, which were different from, or contrary to the Plan that Sir James would have had him to follow.

dal. To these may be added Mr. *Peter Young*, (who had a fair Oeasion to vindicate her, when he wrote her Life) *Buchanan's* Colleague and a better Courtier than he (than whom never Subject was more obliged to a Prince, than he was to King *James*,) Secretary *Maitland*, whom *Buchanan* had sufficiently provoked in the *Chamæleon*, and in one Word, every Man in *Scotland* that was at that Time capable of speaking and writing common Sense, and is nevertheless silent in her Cause. But there is no need of the Evidence of Particular Persons, since we have that of two Nations against her, the *Scotish* Parliament that deposed and obliged her to resign in Favour of her Son; in which both Papists and Protestants concurred; (I do not mention the general Assembly that approved their Deed) the *English* Council and Nobility,* among whom she wanted not Friends, and the *English* Parliament in 1572. The Evidence for her is extreamly weak, or rather none at all. It may be reduced to that of *John Leslie* Bishop of *Ross*,† *Huntly's* and *Argyle's* Protestation (who all three have been guilty of gross Prevarication on this Article) and a *French* Abstract of *Bothwel's* Declaration at his Death (he died raving Mad) which is such an impudent Piece of Forgery, that the laying any Stress upon it, is an Evident sign of a desperate Cause. The most considerable Advocates for Queen *Mary* are to be seen in *Jebb's* Collections consisting of two Folio Volumes. They are the unknown Author of *L'Innocence de Marie*, *Blackwood* Author of the *Martyre* (who writ, especially the latter, like perfect Furioso's) *Obert Barnestaple*, or rather *Robert Turner*, who writes with more Force and Spirit than any of that Side, *de Herrera*, *Brantome*, *le Laboureur*, the Archbishop of *Bourges*, the Author of *Mort de la Reyne d'Escosse*, *Caussin*, *Strada*, *Con*, *Romoldus Scotus*. All these copy either from *Leslie*, or from *Sanders*, *Bosius*, *Florimond de Raymon*, *Hilarion de la Coste*, Authors of such a prostitute Character, that *Con* and others, waving their Authority, pretend to follow *Camden*, who ought rather to be brought in as Evidence on the other Side. The Reader will

* They examin'd Queen *Mary's* Letters to *Bothwel*, and compared them for the Manner of Writing and Fashion of Orthography with sundry other Letters long before written and sent by her to Queen *Elisabeth*. See *Anderson's* Collections. The most cunning Forgers of Subscriptions have been often discovered; but to forge, not a Name or Surname only, but whole Missives, and some of them pretty long, without leaving any track for being detected by the nicest and most curious Observers, is a thing altogether incredible, and morally impossible.

† The following Particular concerning Bishop *Lesly*, which I suppose is little known, we have in the Rec. of Abd. Aug. 6. 1599. John *Leslie* Younger of New *Leslie*, Grandson and Heir to John *Leslie*, Bishop of *Ross*, constitute Mr. *Gavin Leslie*, Canon of the Cathedral Kirk of *Rouen* in *France*, his Procurator for uplifting and receiving the Debts contained in the Bishops Latter-will and Testament, and also the Debts owing the same Bishop, in Name of Pension or otherwise, in *Italy*, *Spain*, *France*, *Flanders* or elsewhere; and to receive from Sir *Philip Dayala*, Counsellor to the King of *Spain*, or from whoever had it, the Bishop's Original Testament. This Procuratory was extended in Latin under the Town of *Aberdeen's* privy Seal.

no doubt be surprised at this Assertion, especially after *Rapin* has opposed *Camden's* sole Authority to that of *Buchanan* and *Melvil*; but the true Secret of this Business may be discovered from *Camden's* Letters to *Thuanus* in Mr. *Buckley's* Collections in the 7th Vol. of his Edition of the History of that Noble *French* Writer, to which I have already referred. *Camden* sent his Collections by the Hands of the Earl of *Northampton*, to Sir *Robert Cotton*, who compiled that Part of the Annals of Queen *Elisabeth*, which concerns Queen *Mary*, in English. King *James* revised the whole, and sent it to *de Thou*, whose Love to Truth, being Superior to all other Considerations, determined him to alter nothing of what he had formerly written on that Subject. *De Thou*, in his Letters to *Camden*, did so solidly refute that ridiculous and ill contrived Romance, which was composed in Justification of Queen *Mary*, that *Camden* highly commends him for his Sincerity, encourages him to go on as he had begun, and writes to him in such Terms, as any one must be convinced he did not believe one Word of what is inserted in his Annals to the Prejudice of the Earl of *Murray's* Character, and in Justification of Queen *Mary's* Conduct; which he had turned into Latin and published at command of King *James*, whom he durst not disobey. The Animadversions on *de Thou's* Relation of *Scotish* Affairs for the Year 1564 were not written by *Camden*, as some Writers of great Name have, by mistake, affirmed, but by *Isaac Casaubon*, dictated by King *James*. I have taken no Notice of that unknown Author published by *David Crawford* of *Drumsoy*; because, according to Mr. *Keith*, there are considerable Variations betwixt the Print and the MS. of which one deserves particular Notice, viz. where mention is made of the Causes of Queen *Mary's* Sickness, after her Journey to *Hermitage*, where *Bothwel* was lying of the Wounds he had received from a Robber, besides the Length of the Journey and the Night Air, the MS. adds, *and her great Distress of Mind for the Earl of Bothwel*, which is more than what *Buchanan* says. I could set this whole Affair in a much fuller and stronger light, were I not afraid it might be accounted a Digression, too long, tho' pardonable on one of the most extraordinary Passages, not only of our own, but of any History, ancient or modern, and which has been the most controverted with least Reason. Those later Writers, who out of Spight to our Reformers, have undertaken to justify Queen *Mary*, have all copied from one or more of those in *Jebb's* Collections. *Robert Keith*, her latest Advocate, has gone very awkwardly to work. He has published an Heap of original Papers and Records, all which, whatever he may say to the contrary, agreeing with *Buchanan*, prove him to be a faithful Historian, and to have had the public Records all along in his Eye. Mr. *Keith*, had he been wise, would never have ventured to act the Critic upon *Buchanan*, till he had better understood the Language in which he wrote. For, where he follows what he calls that wretched Translation of *Buchanan*, he imposes an absurd and nonsensical Meaning upon his Words, even where he had the public Record be-

fore him, literally render'd by *Buchanan* ; for Instance, *Anglicorum limitum accolæ, dwelling near the Borders of England, viz. Scotch Subjects*, which *Keith*, after *Bond*, renders *Inhabitants of the English Borders* : It is the same where *Keith* departs from *Bond* ; as p. 72. where speaking of the King of *France's* Letter to the States of *Scotland*, in 1557, he renders *satis longam antiquorum fœderum commemorationem*, a prolix enumeration of the ancient Leagues betwixt the two Nations, as if *prolix* and of a reasonable *Length* were the same Thing. Again, *proxè omnia pollicetur, he makes fair and liberal Promises*, is render'd by *Keith* a long Chain of fair Promises, delivered, according to his Gloss, in a long Chain of Words. Once more ; *Buchanan* says, it was the Custom in *Edr.* when the annual Magistrates were elected, to publish the Statutes and Ordinances of the Town, agreeable to which in 1561, one of the Statutes proclaim'd, was, that no Adulterer, Mass-monger, obstinate Papist, &c. should be found within the Town, after a certain Space ; here *Keith* imposes a ridiculous Absurdity upon him, as if he had meant, that it was an ancient Practice to make a yearly Proclamation against Priests and Friars, when the Reformation was but of one Year's standing. *Keith* makes a great Noise about what must have been a meer Slip of the Pen or the Press, and upon which, nothing depends, *viz. Buchanan's* saying that the Earl of *Murray's* first Parliament met August 25, instead of December 15.

|| This Mr. *Keith* has raked the foulest Kennels for Dirt to throw upon our Reformers, whom he every where describes as seditious *Rebels, Traitors, perjurd Blasphemers, Calumniators, Men of no Conscience* ; in one Word, *consummate Villains*, and sets himself to vindicate such *infamous Wretches* as Cardinal *Beton* and Abp. *Hamilton* ; but has gain'd nothing by it, but exposing himself and establishing *Buchanan's* Credit, and of consequence, the Reputation of those worthy Persons, I mean, our first Reformers, to whose Memory we stand so much indebted. Tho' he glibly swallows every thing dictated to him by *Lewis* and *Thomas Innes*, two Jesuit Brothers, of whom the latter, in *Essay on the Ancient Inhabitants of Scotland*, does little else but repeat the Arguments of *Stillingfleet* and *Lloyd* against our Antiquities, which have been sufficiently answered by Sir *George Mackenzie*,) yet he seems disposed not to believe Queen *Mary's* Letters to *Bothwell* genuine, unless he saw the Originals, which her Son would not fail to destroy, if they were preserved till his Accession to the Crown of *England*. At this Rate, Mr. *Keith* might soon reduce himself to a State of Infidelity in Matters of the highest Importance ; as *Bayle* the *Sceptic* would reduce us to an historical *Pyrrhonism* upon the Article of *Mary Stewart*, because of the Disputes about that Passage of *de Thou's*, concerning *Buchanan's* refusing, at his Death, to retract what he had written of that Princess ; which Passage was written, all in the Author's own Hand, on the Margin of that MS. Copy of his History, which was deposited in the Hands of *du Puy, Rigault*, and the Twin-Brothers *de Sainte Marthe* ; and so is a

little better vouched than the Story of *Buchanan's* Repentance, told, about an 100 Years after his Death, by an old Wife to Mr. *Sage*. Upon the whole, *Straloch's* Observation holds good, that the Queen's marrying the Murderer of the King her Husband left a Stain upon her Name (so indelible that the more any one endeavours to wipe it out, the better it appears) as accessory to that foul Deed; as her faithful Servant, Sir *James Melvil*, at the peril of his Life, told her before hand that it would. This, as well as every thing else, speaks her Guilt.

Great Men are not always exeem'd from Prejudices. *Straloch*, in his Preface to *Spotswood's* History (which I have seen written in the Author's own Hand, with some short Notes upon that History) speaks with great Passion of *Buchanan* and *Knox*; of the former as very partial and insincere in his History, and of the* latter as the disgrace of Historians; and very positively affirms, that, before *Spotswood's* History came out, whom he commends for his candor and disinterestedness, from the Year 1542, in which King *James V.* died, there was little Truth to be found in any *Scotish* History that had been published to the World. Unhappily *Buchanan*, *Knox* and *Spotswood* are, in the main, perfectly harmonious, as to the Transactions of that Period. *Buchanan*, according to *Straloch*, in the three first Books of his History acts the Railer, not the Historian (I suppose, because he dresses *Humphrey Lhuid* in a Fool's Coat) and gives but a jejune and superficial Description of the Kingdom of *Scotland*, not having been sufficiently versed in Antiquities, (the contrary is allowed by *Thomas Innes*) for which he has been chastised by *Camden*, whom *Straloch* himself chastises on that Subject. *Straloch* blames *Buchanan* for inveighing against *Kenneth's* abrogating the Law or Custom concerning the Succession to the Crown, called† Tanistry, for arguing against the Government of Women, and perverting the Truth of History, with the sole View of establishing his *Mecenas*; of which last I have already taken Notice. He says, the Subject of *Buchanan's* Treatise on civil Government, requiring the Abilities of

* Yet a little after he owns *Knox* was, otherwise, a great Man and famous in the Church of God; whose Dispute with Dean John Winrame Sub-prior of St. Andrew's and Arbugkill, a Franciscan Friar, concerning the Romish Ceremonies, has pleased *Straloch* so well, that he has taken the Pains to translate it into Latin; of which Translation (the Original may be seen in *Knox's* History) I have a Copy in my Possession.

† Sir John Davies Rep. Fol 49. explains this Irish Custom, which began to be depressed in Queen Elisabeth's Time—The Lands belonging to the Irish, were divided into several Territories, and the Inhabitants in every Irish Country were divided into several Septs, or Lineages—In every Irish Country, there was a Lord or Chieftain, and a Tanist, which was his Successor apparent. None could be chosen Tanist, but one issued out of the chief Septs. The Seignory or Lands belonging to the chief Lord, did not descend from Father to Son; or, upon Default of Issue to him that was next of Kin; but he that was most active, of greatest Power, and had most Followers, always caused himself to be chosen Tanist, and, if he could not compass his Desires by gentle Means, then he used open Force and Violence; and so, being declared as it were Heir apparent, came into Possession, upon the death of the chief Lord.

the most consummate Lawyer and Divine, was above his Reach, who had been for the most Part of his Life a School-master; as if the Size of a Man's Understanding was to be measured by his outward Circumstances; and that the History was written with a Design to support the Principles *de jure regni*; tho' he gives no other Accounts of Matters of Fact than those do that went before him. *Hence *Will. Barclay*, his Antagonist, calls his first 13 Books an Abridgement of *Boyes*; and Dr. *Nicolson* justly observes that *Fordon* and *Boyes* are so indulging to the People's Claim of Right, that 'tis no Wonder to see their Followers carry it very high on the same Side; that, when *Dav. Chambre* comes to speak of the Original of Sovereignty he expresly fetches it from the People; and that *John Major*, in the Case of *Baliol* and *Bruce*, maintains the Power of the People, and gives great Allowances afterward to the Parliament, in the Disposal of the Crown. For a Confutation of *Buchanan's* Dialogue, *Straloch* refers us to *Blackwood* and *Barclay*, both *Scotsmen* and learned Lawyers. The latter, who has been at a vast Expence of Learning, ingrosses the Arguments of the former and of *Ninian Winigate*, who wrote on the same Subject. One of the pleasantest Passages in *Barclay's* Treatise is in the Beginning of his 3d Book, where he proves *Buchanan* and *Brutus* to have been capable of any Crimes, by no other Argument but because they were Heretics; and in another Place tells us, *Wiclef* and *Hus*, both of 'em pestilent Heretics, were of their Opinion. He makes pretty large Concessions to his Adversaries. He says, it is very lawful for any Private Man to kill a Tyrant, that is, an Usurper; that when the Heir of the Crown is under a natural Incapacity to govern, then the Case is the same, as if there were none of the Royal Race alive; or, when there are several Competitors for the Crown, and their Right doubtful, as in the Case of *Bruce* and *Baliol*, the People have a Right to decide the Controversy; just as when several *Popes* are contending for *Peter's* Chair, they

* For the Antiquity of the Barclays, the curious may see a genealogical Account of the Barclays of Urie, formerly of Mathers, compiled and very lately published at Aberdeen by Robert Barclay of Urie, Son to Robert, Author of the fam'd Apology for the Quakers, who makes the Barclays to have settled in this Kingdom before the Norman Conquest, and proves there were four eminent Families of that Name in Scotland in the Days of William the Lion. There were two considerable Families of the Name of Barclay of ancient Standing in Aberdeen-shire, viz. Towie and Gartly. William Barclay, Author of the Treatise *contra Monarchomachos* and Father of the famous John, Author of the *Argenis*, was a Grandson of Pat. Barclay, Baron of Gartly, who stood firm to King James 3d in the Dispute betwixt that Prince and his Nobility. In a Charter, granted September 25, 1324, by King Robert Bruce to the Burgesses and Community of Aberdeen, freeing them and their Successors for ever from all Manner of Assize (or Custom) of Ale, and Fish both red and white, which in Times by past they had been in use to pay, there's a Clause reserving the Right of that Custom to Walter de Berkelay, Knight, then Sheriff of Aberdeen, so long as he continued in that Office; which Right he resigned to the Town of Aberdeen the same Year on Monday immediately preceeding Christmas Day. This Sir Walter has probably been a Predecessor of William's.

are all of them subject to a Council ; and that, when a King harasses the Body, or any considerable Part of the Common-wealth with savage and intolerable Cruelty or Tyranny, the People may resist and defend themselves from Wrong ; but may not invade the Prince ; they may ward off the present Assault, but not revenge past Violence. So the People may do more than any private Man, who has no other Remedy but Patience : and this comes pretty near *Buchanan's* Maxim, viz. that the Judgment, not of factious Men, or of some few, but of the whole or greater Part of the People (or their Representatives in Parliament) is to be preferred to the King's Authority. *Barclay* further acknowledges, that in an Interregnum, and when the King forfeits his Right to the Crown, the People are free, and the Right returns to them. A King, he says, may forfeit his Right to the Crown, in the following Cases. 1. When he endeavours to overthrow the Kingdom and Common-wealth, that is, if it be his Purpose and Intention to destroy the Kingdom, like* *Nero* and *Caligula*. 2. when he makes himself another's Vassal and subjects a free Kingdom to the Dominion of another, as *Baliol*, and 3. when he voluntarily resigns. Yet he affirms, that a King does not lose his Right, tho' he should prove an Adulterer, a Murderer, perjurd, and which is worse, an Heretic ; nay, tho' he should load his Subjects with unjust Taxes, or destroy some Cities, or banish, forfeit and put the Nobles to Death ; as, he thinks, is plain from the Instances of *Saul*, *David*, *Solomon*, *Joram*, *Joas*, &c. In fine, *Straloch* tells us, that *Buchanan's* History and Dialogue were prohibited by Act of Parliament, when King James was a young Man, who continued in the same Mind when he was of maturer Age, as appears by his *basilicon doron*. 'Tis certain King James's prevailing Passion was his Hatred to those that maintained *Buchanan's* Principles about civil Government. The Parliament in 1584, that declared it unlawful for any private Person to keep or read *Buchanan's* Writings, and ordered them to be brought in, in order to be purged by the Secretary, did likewise declare the King

* The Romans, who caused assassinate Nero, who killed his own Mother, thought themselves guilty of no Crime, and a great Number of the Scots were for putting Mary to Death, who had killed her own Husband ; of which they wanted not a Precedent in their History. For the Wife of Malduin, the 55 King, having, in a Fit of Jealousy, strangled her Husband, she was 4 Days after burnt alive. John Spotswood, the Superintendent of Lothian, who, if we believe his Son, was very acceptable to the Queen, and revered and respected by her Son as his spiritual Father, emitted a Paper, upon her Escape from Lochleven, conceived in very strong and pathetick Terms. In it, he tells, that, according to the Duty of a faithful Watchman, he thought himself bound to give his People Warning of the impending Judgments of God ; which might have been averted, had the divine Law against Murderers and Adulterers been executed upon that most wicked Woman, that deserved ten Deaths, meaning the Queen ; that had none but Papists taken Part with her, there had been no great Cause of being afraid ; but what gave him dismal Apprehensions, was, the Defection of such as had professed the Truth. Them he most earnestly exhorts to Repentance, before he drew the spiritual Sword of Excommunication against them, that the Spirit might be saved in the Day of the Lord. See Keith's Collections, near the End.

supreme over all Persons, and Judge in all Causes civil and ecclesiastical, and those that declined his Authority, guilty of Treason; that the Ministers should be subject to the Bishops, and that no Church Judicature, down to a Presbytery, should be held without the King's special Licence and Command. At that Time Cap. *James Stewart*, otherwise designed Earl of *Arran*, was prime Minister; whom all that write of those Times, describe as one of the vilest and wickedest of Men. *Melvil* calls him an Atheist, a Scornor of all Religion; and *Johnston*, a Compound of Insolence, Tyranny, Cruelty, Lust and Avarice.

In the History of the *Gordons*, *Straloch*, describing the Battle of the *Crabstane*, fought hard by *Aberdeen*, November 20, 1571, by the *Forbeses* and *Gordons*, corrects a Mistake in *Buchanan*, who says the Townsmen of *Aberdeen* were compelled to follow *Adam Gordon*, as he drew his Men out of the City. *Straloch*, who had his Informations from the Citizens of *Abd.* that were Spectators, says, *Adam* discharged the Townsmen by Sound of Trumpet, from meddling in these Broils, commanding them to keep themselves quiet within their own Houses, and that there were only 7 of them with the *Forbeses*, and 3 with *Adam*. *Buchanan* has indeed mistaken *Alexander* Lord *Forbes* for his eldest Son John, who headed the *Forbeses*, and was taken Prisoner, as I learn from *Walter Cullen*, then Vicar and Reader of *Aberdeen*, who has wrote some short Notes of the Occurrences of his own Time, and who says, there were slain in the Field of the *Crabstane* to the Number of about 60 on both Sides, and among them good *Duncan Forbes*; and, that the Field of *Tilliangus* was fought November 20, just 40 Days before the other, in which *John Gordon* of *Buckie* was slain. On the Occasion of this Conflict, *Straloch* gives a different Account from that of *Buchanan* and *Spotswood*, who make *Adam Gordon* the first Aggressor, who, say they, invaded the *Forbeses*, brought together by *Arthur*, Brother to *Alex.* Lord *Forbes*, in Order to reconcile their Differences, because they refused to separate and return to their Houses. He again says, that the Earl of *Mar* Regent, knowing the ancient Feuds between the two Clans, stirred up the *Forbeses* against the *Gordons*; that, as *Adam Gordon* was going to *Huntly*, his Brother, with a Company of armed Men, he was inform'd the *Forbeses* waited his coming; that, as he passed by, he sent them word, he was marching another Way and would go over their Lands, which lay on the River *Don*, without doing any Harm; and, that the *Forbeses*, apprehending the contrary, denied a peaceable Passage, and set themselves in Battle Array against him. But *Straloch*, in his History, has not thought fit to take notice of the barbarous Cruelty soon after committed by *Adam Gordon*, who burnt the House of *Alexander Forbes* [not of *Tavoy*, as says *Spotswood*, but, according to *Straloch's* Note, *Corgarf*] and in it his Lady big with Child, and his Children and Servants, to the Number of 27 Persons. *Straloch* has fixed no other Mistake, in Point of Fact, than what I have just observed, upon *Buchanan*, against whom he has been

strongly prepossessed on Account of his resisting Principles, and the Freedom he uses with the Characters of *Huntly* and *Hamilton*. The following Extracts will explain *Buchanan's Coactis sequi oppidanis*. December 1, 1571, *David Mar*, Baillie of *Abd.* was appointed to pass to *Leith* to the Regent's Grace, to declare to him and to the Nobility the Truth, and contrary to the sinister and wrong Reports made of the Town and Inhabitants thereof, anent the late Troubles fallen out betwixt the *Gordons* and *Forbeses*; August ult. 1574, *Morton*, holding a Justice Air at *Aberdeen*, caused the Town give him a strict Bond, obliging themselves to continue in faithful Obedience to the King and the Regent, to resist and repress Traitors and Rebels, and, if unable to withstand their Force and Invasion, to remove themselves and their Families and Goods to such Parts of the Realm as continue in the King's Obedience; to elect no Magistrates nor Councillors, but such as are known to be zealous Professors of the reform'd Religion and well affected to the King's Authority and Service, under the Pain of 20,000*l.* and Loss of the Freedom of the Burgh to themselves and their Successors for ever. September 3, the same Year he gave them a Discharge of their being at the Conflicts of *Tilliangus* and *Crabstane* against the King and his Authority, as having been the Effect of Fear and Compulsion. He likewise imposed an Exaction of 4000 Merks, of which 1000 to be applied to the publick Works of the Town. But July 12. 1569, the Earl of *Murray* gave them a free Discharge of having assisted *Huntly* against the King's Authority, as likewise done thro' Fear and Compulsion.*

In the Close of that so oft mentioned Preface to *Spotswood*, *Straloch* expresses his Hope, that, in such a learned Age, wherein the Facts were so well known, there would not be wanting Men of fine Parts, who, out of Regard to Posterity, would reduce the Accounts of the Reign of *King Charles* the I. that were lying in scattered Papers, to the Form of a regular History; and likewise his earnest Desire, that some one, equal to such an Undertaking, would translate that History into Latin; to the end that the Truth of Facts and Characters might be evidently known all over *Europe*, which had been so long imposed on by Misrepresentations arising from the Hatred or Flattery of the Writers of *Scotish* affairs. He had in vain importuned Mr. *Robert Burnet* of *Crimond*, Brother to Sir *Thomas Burnet* of *Leys*, to write the History of those troublesome Times, as appears by a Latin Letter of *Crimond's* to him, dated *Abd.* August 2, 1652, and published by Dr. *George Garden* in his Life of Dr. *John Forbes* of *Corse*; wherein Mr. *Burnet* tells *Straloch*

* *Straloch*, in his Note on the Murder of this Regent, as related by *Spotswood*, says, there were two Balls; one killed the Regent, the other hit the Bishop of *Murray's* Horse on the Head, who fell with his Horse; his Fear was so great, he believed himself killed, yet untouched; but the Regent deadly wounded, did alight: and to *Spotswood's* glorious Character of him, which ends with these Words, and therefore to this Day honoured with the Title of the good Regent, *Straloch* adds, and Martyr in the Calendar of the Bible printed by *Arbuthnot* in 1580.

that the Care of the Education of his three* Children, and other Interruptions had hindered his writing to him sooner, and thinks strange he should offer to lay a Burden on others, under the Weight whereof they must sink, and which himself alone was able to bear: For himself, he never had, nor should have, an Itch for Writing, for fear his Productions should be applied to indecent Uses; yet he had a good many Materials that might have been of great Service, and that he would willingly have communicated to any one that had undertaken such a Work; but they were all lost, with about 700 Books, printed and Manuscript; tho' his Library, after his first Departure out of the Kingdom, first secured by a Friend in the Castle of *Edinburgh*, next carried thence by his Wife, and put aboard a Ship, to be conveyed, together with the *Archives* of the Kingdom, to *Dunotter*, and after that falling into the Hands of Enemies, was at last recovered, in a great Measure, after it had lain for the Space of a Year, moulding in a Cellar below Ground. Then he speaks (with some Aggravation as I apprehend) of the great Difficulties of such an Undertaking, as the History of the civil Wars, from the Variety of Occurrences that fell out in Places so far distant and that are so differently told, that white is not more contrary to black, than the prior Relation to the posterior, or the common to the true one; and that not out of ignorance, but design: insomuch that, in no other Case whatever, have ever such splendid Lies been told wittingly and willingly. Of this he gives a noted Instance (which will fall in afterwards) and thus proceeds. Nor will the Historian of these Times be only perplexed with this Uncertainty of Matters of Fact, and Substitution of Falsehood for Truth, but much more with the Difficulty of coming at the true and thorough Knowledge of secret Counsels, (which cannot be got from a Man of a retired Life or that willingly confines his Thoughts to the Study of himself) amidst the great Hypocrisy that has

* Sir Samuel Forbes of Foveran, in his MS. Description of Aberdeen-shire, gives the following Character of Crimond and his two Sons. The Family of Leys hath produced younger Sons, or Branches, very eminent and conspicuous. Mr. Robert Burnet of Crimond, a good and learned Man, and a just Judge, (he was a Lord of Session in King Charles II. Time) whose Sons were Sir Thomas Burnet, a learned Dr. of Medicine, sincerely and seriously pious, and Dr. Gilbert Burnet, Bishop of Salisbury, a most eloquent and powerful Preacher, very frank, of very plain Manners, uncurious of Politeness, sober in his Pulpit-Harangues to the Parliament and in the Stile of his Writings, which are not a few, and like to live as long as the reform'd Religion lives in the Isle of Britain. After all these Instances of Praise, that of his Contempt of Riches is now evident, having had fair Opportunities to amass vast Wealth to himself and his Children: But he made a more disinterested Use of these Occasions, the Patrimony of Sons and Daughters being very mutable; his Bounty to others, while he lived, and when he died, being very ample—among other Legacies, he mortified 20,000 Merks for the Maintenance of six Students, (4 of Philosophy, and 2 of Divinity) at the Marishal College of Aberdeen, where he himself had his Education; which Mortification is now like to take Effect—Sir Samuel conjectures Thomas Burnet, the English Author of the Theory of the Earth, to have likewise been of the Family of Leys.

overrun the whole Island; whereby Men, transforming themselves into Angels of Light, sighing and groaning, have nothing but what is divine in their Mouths, and pretending the Glory of God in every thing, but on the contrary, acting really as Devils come out of Hell, and the Locusts of the Revelation, let out of the bottomless Pit, have corrupted and wasted every thing, confounded all Laws divine and human, destroyed Church and Common-wealth,* and, in Place of both, set up a Monster of many Heads, strip'd all Men of Authority, Honour and Estate; that they themselves might act as Lords of every Man's Life, Honour and Fortune at their Pleasure, without Controul.*

What had been done in that kind by *Straloch* who (like the People of *Israel* in the Land of *Goshen*) by the Ordinance of both Sides, had enjoyed a peaceable Retirement amidst the Tumults of War, he knew not; but it had been impossible for himself, in his unsettled Circumstances, to have been able to perform any thing solid and compleat, tho' he had bent his Thoughts that way: And now, *Straloch* being 70 and upwards, and himself 60 Years of Age, both might well be excused from such Service.

* The following Poem, which expresses the same Sentiments with those of Crimond, and, in particular, laments the Loss of Lockart and Montrose, I have here published; because for ought I know, it never has appeared in Print, and, as I conjecture, has been composed by *Straloch*; among the Papers of whose Grandson Robert I found it.

CUM despecta fides scelerato excederet orbe;
 Desereretque suum patria nostra patrem:
 Tum placuit patriis æternùm excindere terris,
 Scotia, Dis genitos, quos alit alta, viros:
 Tum tetigit, fati furiis oppressus acerbi,
 Facundo Stygias ore Locartus aquas:
 Et magnam posuisti animam, fortissime Græme;
 Marsque videbatur, te moriente, mori.
 Nempe Caledoniæ luimus perjuria turbæ;
 Nec modus est tanto, nec medicina, malo.
 Nil superest, quod ficta fides, quod subdola lingua
 Perdere, sacrilegæ vel potuere manus.
 Postquam homines deerant, sævitum in templa Deosque est,
 Et quotquot doctæ crimina mentis habent.
 Omnia vulgus erat, scelerisque licentia vulgo:
 Res tamen auctores indicit [sic] acta Deos.
 Et jam fata chaos vicit, fulmenque Tonanti
 Vix servire suo turba profana sinit.
 Di! quorum hortatu, Scythico de littore Scotus,
 Picta Caledoniis intulit arma jugis;
 Si vos læsa movet majestas inclyta juris;
 Si cælos hominum tangere cura potest;
 Æquævum vestro populum servetis Olympo,
 Reddite Grampigenis jura patremque viris.
 Illa dies Superos indigno crimine solvet:
 Tum nobis vulgus desinet esse Deus.

He was persuaded God would raise up able Men, sound in Mind and Body, who would have the Courage diligently to search and find out, and make manifest the Crimes of that Age, and it's deepest Plots; and that, as at the building of the Tabernacle, the People brought more than was necessary, so if once it were known that any Person of great Genius, and Candor and Honesty, was setting about such a Design, all good Men would emulously strive to contribute whatever should seem necessary for perfecting such a Work; so that such an Undertaker should be furnished with as great Plenty and choice of Materials, as *Strada* was, when he wrote his History of the *Belgic* Wars: Then, after some Account of *Spotwood's* History, which reaches only to the End of *James VI's* Reign, he tells he had seen several Relations of the Transactions in the different Parts of the Kingdom, part *English*, part *Latin*, part *French*; but what pleased him best, was, a summary Account of the War and it's Causes, brought down to the Death of King *Charles I.* writ in a nervous Latin Stile, by the learned Dr. *Bates*, first Physician to his Majesty. He concludes with a sincere and hearty Profession, that there was no Man in *Scotland*, he had a greater Esteem of than *Straloch* for his Candor and great Parts. Dr. *Garden* gives this Character of *Straloch*, that he was a Gentleman of universal Learning and great Prudence, universally beloved, esteemed by both sides, a Lover of his King and Country, and a Subscriber of the Covenant, but with such Limitations as excluded every Meaning contrary to his Allegiance to the King. He died in 1661, *August 18*, being *Sunday*, about Midnight, in the 81 Year of his Age, and was buried *September 6*, at *New Machar*, his own Parish Church. His Lady died *August 3*. the Year following.

Many of their numerous Descendants have all along (as they do at this Day) inherited from him a Taste for polite Learning. His Son *James* was eminent in this Respect. Besides the Assistance he gave his Father in describing the County Maps of *Scotland*, he drew a Map of new and old *Aberdeen*; together with the Colleges, Port, Harbour and River of *Dee*. On the Side of the Map there's a short View of the Territory of *Aberdeen*, both in Latin and English. Of this Map his Father seems to me to take notice in his above mentioned Letter to Sir *John Scot*. Tho' *Straloch* made a large Collection of the printed Papers emitted on both sides, of which I have several Volumes in my Hands; yet his earnest Desires and Hopes at 75 Years of Age (after which he compiled his History of the *Gordons*) that some other Person would undertake to write the History of the civil Wars, seem to make it pretty plain that he himself never attempted any thing of that kind. The MSS. which a late Author of the History of the *Gordons* gives out for *Straloch's* were all written by his Son *James*; as I am assured by the Proprietor, *James Gordon* of *Techmurie*, the Author's Grandson, who has promised to communicate such of them as are in his Possession. The most valuable one seems to be that which treats of the Rise of the civil War, and which there is Hope

of recovering after if had run the Risque of being lost. By Baillie *Gordon's* Account of it, it would appear to be a counter Part to the *Historia Motuum*, compiled in a very elegant Latin Stile, by Mr. *Mackward*, as is supposed, and published at *Dantzick* 1641, by *William Spang* Minister at *Vere*, to whom Dr. *Johnston* sent several of his Poems, particularly on the Royal Boroughs of *Scotland*, to be revis'd before they were put to the Press. The Parson of *Rothemay* in 1646, wrote a common Place-book of practical Divinity which shews his large Acquaintance with the holy Scriptures, and the Writings of Divines; as the Embellishments of the Book drawn with a Pen shew his great Genius for Painting. The *Stoicism*, which has been observed in that Family (besides expressing strong Sense in ordinary Conversation in broad *Scots*) was likeways observed in him. He is said to have been a Dealer in judicial Astrology.

My next Author is Sir *John Scot* of *Scots-Tarvet*, whom Dr. *Johnston* in the Dedication of his *Parerga* calls the Patron of Learning, the immortal Honour of the *Scotish* Senate, by whom, in Quality of Consul, *Rome* herself might have been governed; of whom *Pallas* might have learned Wisdom, the Goddess of Virtue Virtue, and *Themis* the Laws; whom *Apollo* and the Muses call Master, and the Poets *Mecænas*. To him also, as Author and Procurer of the Edition of *Deliciæ Poetarum Scotorum*, the Dr. addresses a Poem entituled, *Musarum elogia*, and two other Poems; one, when he was putting the *Scotish* Poets to the Press, and the other dissuading him from printing the Dr.'s Poems; adding however, he was willing to obey the Commands of one, under whose Patronage his Muse was safe; and to refuse nothing, so he could serve his Country. The Dr. likewise writes an handsome prose Dedication of the *deliciæ* to Sir *John*,; wherein he* commends him, who (tho' placed in an eminent Station, and taken up with publick Business) consecrated his leisure Hours which most Men squander away in gaming, surfeiting and sleep, to poetic Studies; and was at the Expence of the Publication of the *Scotish* Poets, by which means he had purchased Immortality both to himself and them. After the setting of (the incomparable *Buchanan*) the Sun, he had wonderfully adorn'd this remote Corner of the World with new Stars († among which he

* In the Lawyers Library at Edinburgh there's a Collection of Letters from the most learned Men of his Time to Sir John, full of his Praises: 'Tis pity they should be lying in MS. Dr. Johnston's Acquaintance with him seems to have commenced Aug. 1622, at which Time I find they were both admitted Burgesses of Aberdeen, soon after the Doctor's Return from his Travels.

† Most of Sir John's Poems are Epitaphs, some on the Subject of Amours, addressed to an intimate Friend of his, to whom he prescribes Absence and shutting the Eyes as a Remedy for Love; and one he writes on the Month of July, in which he was born and baptized, began to learn Letters, fell in Love with his Wife, was married and had a Child, and at 30 Years of Age was knighted; and in which Month he wished he might, at the end of his Life and Labours, ascend to the heavenly Mansions.

shone himself) not a few of 'em of the first Magnitude, who, by their Brightness, emulated these greater Luminaries of the *Augustan* Age. An innumerable Army of the Poets, all whom he had by heart, presented themselves to him. In the Choice he had made, he admired both the Exactness of his Judgment, and the Beauty and Elegance of those he had pitched upon. The only thing that merited Censure, was, his placing *Jonston* among his *Grampian* Heroes; which he looked upon as the Effect of his Love to him, that had blinded his Eyes, and, in some sort, bewitched his Understanding: At least, by his Dimness he would be a Foil to set off the Brightness of those Stars; as the blackish Spots, that appear in the Heavens, add no small Lustre to the nearest Stars, and, in pictures, the Colours would be languid, if not diversify'd by an agreeable Mixture of Shade; and Songs would not delight the Ears without Breaks and Pauses.

But, which makes more for my Purpose, Sir *John* writ on the History of his own Times and those that immediately preceeded. His Book is entituled *The Staggering State of Scottish* Statesmen, that is, of Chancellors, Treasurers, and their Deputes, Secretaries, Keepers of the privy Seal, Clerk-Registers, Justice Clerks, King's Advocates, Comptrollers, Admirals, chief Justices, and Directors of the Chancery, from 1550 to 1560. In it he lays open, with great Freedom and Plainness, the Faults and Follies of the respective Statesmen, and the Misfortunes that befel them and their Families and Posterity. Perhaps he is too bold sometimes in applying the divine Judgments, which are a great Depth; tho' in some Instances so visible, that he must be stupid that does not see them. He seems to have laid it down for a Maxim, that the Posterity of few or none of his Statesmen prosper'd to the third and fourth Generation, being generally guilty of gross Pieces of Conduct; and to have written his Book, after he was turned out of Office by the *English*, with a view to solace himself under his own Misfortunes by recollecting those of others. The Reader will better judge of his manner of writing from the following account he gives of himself. "Albeit in all Time past, the Director of the Chancery has been an Office of the State, and at his Majesty's Disposal, yet partly by Malice, partly by Ignorance, at the *English* coming to *Scotland* in 1650, it was reputed subservient to the College of Justice; and Sir *John Scot*, then Director, was displaced, and *Alexander Jaffray*, Provost of *Aberdeen*, placed in his Room, who was then an Independent, and afterwards a Quaker. The Director, for near 100 Years, was of the name of *Scot*. Sir *Alexander Hay*, Clerk of Council, after the Death of Mr. *James Mackgill* of *Rankeilor*, was prefer'd by the King to be Clerk-Register, by the Mediation of the Earl of *Mar*; after that *Robert Scot*, eldest Clerk of Session, to whom the Succession was rightly due, had refused the same, telling the King, that upon no terms he would be a Lord, and because *Robert Scot* voluntarily consented to his Admission, *Mr. *Alexander Hay*

* Mr. *Alexander Hay*, died Clerk-Register; yet purchased little or no Land, but only

resigned to him the Office of Director of the Chancery in 1573, or 1577; which Office *Robert Scot* and his Successors enjoy'd till the Year 1651. To *Robert* succeeded his Son, Mr. *Robert* in 1582, who afterwards, being old, resigned the Office to Sir *John*, his Grand-child, and to his Wife's Son, Mr. *William Scot*, in 1592, whose Father was a Maltman at the *West-port*, and whose Mother, being a rich

one fair House in Edinburgh, which was sold by his Son Sir Alexander Hay to Mr. John Dauling. Sir Alexander Hay attained to his Father's Place of Clerk-Register, but was not learned, neither came he ever to any Estate of Lands. He left only one Son and one Daughter. His Son enjoyed a Piece of Land, which he got by his Uncle, the Laird of Monk Town, and the Daughter was married to the Laird of Kilspindie, who, finding her barren, took other Women, and she got a Divorce from him for that Cause. Scot.—Mr. Alexander Hay, his Father, mortified the Lands, feu Duties and Annalrents, formerly belonging to the Chaplains or Vicars of the Quire of the Cathedral-Church of Aberdeen (of which he was Hereditary Proprietor,) extending yearly to the Sum of 27 l. 8 sh. 8 d. for upholding that stately Bridge of one Arch, strong by Art and the Nature of it's Situation, built on the River Don, and called in old Records the Bridge of Balgowney, concerning the Fall whereof a Prophetic Rhime goes current among the Vulgar. Tradition says, that Henry Cheyne, Bishop of Aberdeen, who, for siding with his Uncle, John Cumming, against King Robert Bruce, had been banished, and some Years after suffered to return from England, where he had lived during the Time of his Exile, did, out of Joy that he was received into the King's Favour, apply all the Rents of the Bishoprick, which had been touched by no Body, and had accresced to a considerable Sum during the Vacancy, to the building of the Bridge of Don. According to this Account, it must have been built betwixt the Years 1306 (in which the Bruce came to the Throne) and 1330, in which both the King and the Bishop died. But we learn something more certain as to it's Founder from Mr. Hay's Charter of Mortification, dated February 1. 1605, wherein one Motive mention'd inducing him to make such a Donation, was, because it was recorded in History, that the Bridge upon Don, near the Burgh of Aberdeen, was built at the Command and Expence of the most invincible Prince, Robert Bruce, King of Scotland, without any mention of Bishop Cheyne. "Et quia annales testantur, pontem lapideum super aquam de Done, prope burgum de Abirdene, constructum fuisse ex mandato et impensis quondam invictissimi principis, Roberti Brucii. Scocie regni optime memorie regis." The Arch of this Bridge is reckoned to be 72 Foot wide at the Water, and 60 Foot high from the Water to the Top of the Arch. It was repaired by the Town of Aberdeen about the Year 1444; for September 4th that Year, I find an Ordinance of their Council, that Mr. William Ettale, Chaplain and Procurator of the Bridge of Balgowney, shall have, for repairing it, the Money any honest sufficient Person he brings pays for his Gild Liberty. About the Time of the Reformation, the Town of Aberdeen roused the Ornaments of their Parish Kirk of Saint Nicholas, that is, the silver Work and Vestments, and applied the Money to the building and Reparation of the Peer and Key-head and Bridge of Don, and of the Artillery and Munition belonging to the Town. But about the Beginning of the 17 Century, the Bridge having, thro' the injury of Time and want of sufficient Funds for its Support, fallen to decay, the Town employed the 800 Merks of Contribution to Geneva, (of which that City stood not then in need) in the Reparation of that ancient Monument, in which the northern Parts of Scotland, especially the City of Aberdeen, were so much interested, and the Ministers of every Presbytery dealt with the Noblemen and Barons of the Sheriffdom for granting a voluntary Contribution for the same end; since it would require 5000 Merks to answer the Design. So that Mr. Hay's Mortification, granted a few Months before, came very seasonably. The Poet, John Dumbear, mistaking the Bridge of Don for that on the Dee, and making his great Grandfather's Brother, Bp. Gavin Dumbear, the Builder of that on the Don, has misapplied two of his Epigrams, Cent. 6, Epigr. 41, 42. The Author of the Bridge of Don was so

Widow, Mr. *Robert* married, and only begot Sir *John's* Father on her. Mr. *Robert* took a Bond of his Step-son to resign the Office to Sir *John* when Major : which Office he enjoy'd as Tutor during all Sir *John's* Minority. The Bond was written by *Adam Laurie*, Writer to the Signet, and signed by *Adam Couper*, Clerk of the Bills and Mr. *Robert Williamson* as Witnesses, and was given in keeping by Mr. *Robert Scot* to Mr. *Alexander Hay*, Clerk Register, whose Son Sir *Alexander*, instead of delivering the same to Sir *John*, as was ordered by his Grandfather, gave it to Mr. *Robert Williamson*, Servant to Mr. *William*, Sir *John's* Uncle, who, by his Master's Order, put the same in the Fire : But God, the Protector of Orphans, revenged the Injury in a strange manner ; for *Williamson* being left alone in his own Sister's, in *Con's* Close, fell into the Fire in the Fit of an Apoplexy, and burnt his Head and his Hands, before any came near to relieve him ; and Mr. *William* denying to the Auditors of the Accompts and Sir *John*, that there was ever any such Bond, Sir *John* behoved to quit 10,000 Merks of his Rents to get Access to his Grandfather's Office, and Mr. *William* only to resign to Sir *John* his own Place. Sir *James*, Sir *John's* Son, being joined in the Office with his Father by King *Charles I.* died in 1650. Mr. *William*, at the Time of his first Marriage with the Good-man of *Priest-Field's* Daughter, had not 50 Merks to ballance his Wife's Tocher. Yet afterwards Sir *John*, being Curator *fine quo non* to his Son of his last Marriage, made him true Account in the presence of the Earl of *Hadington*, and Mr. *William* his Brother-in-law of 1000*l. sterl.* for a Year's Rent of his Fortune, besides 500 Bolls of Bear, which his Mother had of a Jointure and conjunct Fee. Mr. *William* was thrice married : first to *Elisabeth Hamilton Priest-Field's* Daughter, on whom was begotten Mr. *John Scot*, Author of a Poem addressed to King *James*, printed among the *Scotish* *Poets, and by his Father was little known to Dr. Jonston, that, in his Description of old Aberdeen, he imagines it to have been the Work of the Gods, at the same time comparing it to the Colossus at Rhodes, one of the seven Wonders of the World.

“ Amnis aquas uno pons admirabilis arcu
Integit, auctores suspicor esse Deos.
Talis erat Rhodii moles operosa Colossi,
Turgida quam subter vela tulere rates.”

A little above the Bridge, on the North west End of the Chanonry and on the Brink of the River is the Hill of Dounidon (now Tilliedron) which, as Men acquainted with Antiquities relate, was artificially built by King Robert Bruce's Soldiers, probably for a Watch-guard when they lay at Aberdeen ; and afterwards the Canons kept a Watch on that Hill, in troublesome Times, that they might not be surprised suddenly by their Enemies.

* In that Poem, composed on Occasion of King James's leaving Scotland to become King of Britain, the Author exhorts him, above all things, to worship God, who had deliver'd him from so many Dangers against those that had conspired his Destruction, even when an Infant, as the way to Honour, preserving his Crown and ascending to Heaven ; to shun the cruel Lands, the covetous Coast and enchanted House of the scarlet Whore of Babylon ; and to trust in the mighty God of Heaven and Earth, who would bring War to a prosperous issue tho' the World and Hell should combine, and threaten Death ; of which his shattering the invincible Armada in 1588 was a signal Instance.

sent to *Rochel* to teach Humanity, where he died of the Plague. His 2d Wife was *Isobel Gibson*, Daughter to the Laird of *Dury*, on whom he had a Son named *William*, who, within a Year after he was married to *William Moncrief's* Daughter, died childless; and his Sister, who was crooked, was married to one *Swinton*, a Sadler in *Pittenweem*. His last Wife was Dame *Jean Shene*, whose Posterity now succeeds. But if his Fortune be well purchased, Posterity will be Judge. Sir *John* was a Councillor to King *James* and King *Charles I.* and a Lord of Session and Exchequer: and albeit he was Director to the Chancery above 40 Years, and did great Services to the King and Country, yet by the Power and Malice of his Enemies, he was at last thrust out of these Offices in his old Age, and likewise fined in 500*l. sterl.* and a Person altogether unskilled put in his Room, as Director of the Chancery. But, as one of the Ancients well says, *Ubi beneficia modum excessere, pro beneficio damnum rependitur, i. e.* where Benefits exceed Measure, instead of Benefit, the Bestowers get Hurt and Harm. He having been a Councillor since the Year 1620 and in his Majesty's or Predecessor's Service been 24 Times at *London* (he tells the Number of Miles 14400) and was in the low Countries for printing the *Scotish Poets* and the *Atlas*, and paid to *John Blaeu* 100 double Pieces for printing the Poets."

The staggering State of another Statesman, whom our Author saw in the Height of Favour, will give us a sufficient Taste of my Lord *Scots-Tarvet's* Performance; the greater Part whereof will fall within the Compass of my Design.

"Sir *Gideon Murray*, Brother to the Laird of *Black-Barony*, was Treasurer-Depute under the Earl of *Somerset*; but full Treasurer in Effect. In his young Years he studied Theology; but, having unhappily killed a Man, called *Aicheson*, was, for that Slaughter, imprisoned in the Castle of *Edinburgh*, and being a comely Youth, got Favour from Captain *James Stuart's* Lady, who then with her Husband ruled all; and by her Means got a Remission, and was released. After that, he was employed by the Laird of *Buccleugh* to guide his Estate, when he was on his Travels to *Italy*; whereby he bettered his own Estate in a good Measure, and carried the Laird's Standard with 500 of the Name of *Scot* against the Lord *Maxwell*, who invaded the Laird of *Johnston*, *Buccleugh's* Sister's Son, who had with him a good Army. After that, he lived a private Man, till about the Year 1613, at which Time he was advanced to be Treasurer-Depute by his Cousin the Earl of *Somerset*; which Office he discharged notably, and not only repaired all the King's decayed Houses, *viz.* of *Holyrood-House*, the Castles of *Edinburgh*, *Linlithgow*, *Stirling*, *Falkland* and *Dumbarton*, but added to them all great new Edifices: and in the Year 1617, at King *James VI's* coming down to *Scotland*, he had so much Money in the Treasury, that therewith he defrayed the King's whole Charges and the Expence of his Court during his abode in *Scotland*: on which Account he was so well beloved by his Majesty, that when he went afterwards to

the Court of *England*, there being none in the Bed-Chamber but the King, Sir *Gideon Murray* and myself, Sir *Gideon* by chance dropping his Glove, His Majesty, tho' both stiff and old, stooped to the Ground and gave his Glove to him, saying, *My Predecessor, Queen Elisabeth thought she did a Favour to any Man, who was speaking with her, when she let her Glove fall that he might take it up and give it her: But, Sir, you may say a King lifted up your Glove.* Yet for all that, within few Years after, all these Services were forgot, and his Majesty was induced to believe Calumnies given in on a Paper by Sir *James Stuart*, Son to Captain *James*, who was afterwards stilled *Ochiltree*; and being called up to Court. was challenged for several Misdemeanors, and sent home as a Prisoner, and a Day appointed to him to be tried by such Judges as the King should appoint: whereat he took such Grief and Sorrow of Heart, that he took Bed and abstained absolutely from Meat many Days, imagining he had no means either to get Meat or Drink to himself: and so died after a Fortnight's Sickness and Abstinence. Yet his Family stands, and his Son Sir *Patrick* was made a Lord of Parliament by King *Charles*. But thro' Alliance with the House of *Traquair*, he forsook the right-side, and took himself to the Malignants; and shortly after died. How the Estate shall thrive will be known in the third Generation."

We have seen that Sir *John's* Successor in the Office of Director of the Chancery, was *Alexander Jaffray* of *Kingswells*, Provost of *Aberdeen*. He was the eldest Son of *Alexander Jaffray* (also Provost of that City) and *Magdalen Erskine*, who were married in 1611, and Grandson of *Alexander Jaffray* of *Kingswells*. The Occasion of his Father's being elected Provost, being somewhat singular, deserves to be particularly related. *January* 14. 1635, the Town-Council of *Aberdeen*, in Obedience to the King's Letter dated *December* 10. 1634, removed **Patrick Leslie* from being Provost, (thro' his own Fault, as was thought, says *Spalding*, because he canvass'd for a Place he should have been sought to; tho' he was afterwards five Times elected Provost) and chose Sir *Paul Menzies* in his room; in which *Leslie* humbly acquiesced. The King's Letter bears his being informed of some seditious convocations practised amongst them, coming, as he heard, especially, from the Election they had lately made of one *Patrick Leslie* for their Provost; whom he was informed to have wronged their Trust in his carriage at the late Parliament, and therefore to have deserved no such Charge. *Leslie's* Puritanism and Opposition to the Act concerning the King's Prerogative has rendered him unacceptable to the Court. About three Months after, he and *Gilbert Collison*, eldest Baillie, in Absence of the Provost, contending for the Moderator's

* According to the *Laurus Leslæana*, he was a Knight, and the 5th Patrick in lineal descent from William 4th Baron of Balquhane; was first married to Jean, Daughter to John Leslie of Balquhane, by whom he had several children, and by Cheyne, his 2d Wife, George Laird of Iden.

Place, the Council brake up and dissolved their Meeting. *September 23d* when the Council was conven'd in a quiet and peaceable Manner for electing a new Council and Magistrates, according to the Decreet of King *James VI.* 1592. and anniversary Custom continually observed since that Time, appeared *Adam Ballenden* Bishop, with *Thomas Crombie*, Sheriff of *Aberdeen*. The Bishop affirmed he understood both by publick and private Discourse oft had with them, that there was and is a manifest Division among them about the Election of their Magistrates: for preventing whereof he required them to continue the present Diet of their Election till he acquainted the King and his Council therewith, that Order might be given by them for settling of the present Division and of all factious Plots amongst them hereafter; which Continuation he declared should be without Prejudice of their Liberties. For this he craved a Vote of the Council. Seven were for it and nine against it. The Bishop, as a privy Counsellor, required them, in the King's Name, to dissolve, and continue all Proceedings, till the Pleasure of the King and Privy Council were known: and, in the mean Time, commanded the present Magistrates, Council and Officemen to continue, declaring this should be no Breach of their Liberties. This was obey'd; and the Dissenters took Instruments that they were willing to proceed to the Election, and protested they were free from exercising any Office. Upon the King's Letter, dated *September 29*, they met *October 7*, in order to make a new Election. Upon reading the King's former Letter and that of *Spotswood*, Archbishop and Chancellor, dated *September ult.* requiring them, in the King's Name, not to choose *Patrick Leslie* for their Provost, nor suffer him to have Voice in their Council, Provost *Menzies* required him to remove. *Leslie* said, in Obedience to the King's Letter, he had demitted his Office of Provost, which bore no removing him from being a Councillor; and was come, in Obedience to the privy Council's Charge, to elect the new Council and Magistrates. When he got the List, drawn up and marked by *Gilbert Menzies* of *Pitfoddels* and the four Baillies, from the Hands of Mr. *Robert Farquhar* Baillie, to Voice as a Councillor, and began to Vote, he was hindered by Sir *Paul, Pitfoddels, Gibert Collison* Baillie and *Robert Johnston*, the three first following him from place to place in the Council-House, and drawing his Hand and Pen from the Paper. So he kept the List for 3 or 4 Hours, refusing to give it out of his Hands, till he should set to his Notes and Voice to the same; because he had had peaceable voicing, as a Councillor, since he was removed from being Provost, and alledged most of the Council approved and consented to his proceeding and voicing in the present Election. Sir *Paul* caused draw up the same List over again on another Paper, and he and his Party voiced a new: But Mr. *Matthew Lumsden*, Mr. *Robert Farquhar*, both Baillies, and several others refused to make any new Election, having voiced already. *Leslie* desired the Clerk to come and see him mark the List as he had done to the rest of the

House; and upon this desired a Vote, which was refused, because of the Chancellor's Letter. *Leslie* beginning to note the new List, the Provost took it out of his Hands, and discharged him from giving any Voice. Immediately *Leslie* went out of the Council-house, and returned in a short space with the first List, noted and voiced by him in presence of a Notary, and presented it to his Adherents, who, notwithstanding the Provost's Command, set their Notes to *Leslie's*, and not to the 2d List; but the Clerk, hindered by the other Party, refusing to mark them, they went off abruptly and deserted the Election. *Robert Johnston* was chosen Provost by the other Party. But this Election was annulled *January 26, 1636*, by the privy Council, who out of the List sent by the Council of *Aberdeen*, nominated Mr. *Alexander Jaffray* Provost, whom many despised, says *Spalding*, because he was not of the old Blood of the Town, but a Baker's Grandson; and therefore a baken Py was several times placed in the Provost's Desk, before his coming in to Sermon; but he was wise enough to take no notice of it. His Prudence appeared afterwards in more signal Instances, at a very critical Time; for *June 10, 1639*. after the civil War was begun, the whole Town convened being inquired by Provost *Johnston*, if they had any Charge to give in against Mr. *Alexander Jaffray*, their present Provost, or any Disloyalty or Miscarriage committed by him in his Office, to the hindering of the King's Service or to the Prejudice of the Town; they all in one voice answered they had none: But on the contrary gave him their approbation and applause, that he had discharged and acquitted himself, in his said Office, most dutifully and honestly, as a loyal and good Subject to the King, and as a most careful and painful Magistrate for the well and good of the Town.

Records of
Aberdeen.

Baillie *Shene*, in his Survey of *Aberdeen*, gives *Provost Jaffray*, the Son, the Character of a wise, and good Man, who did great Services to his native City, in procuring Reparation of the Losses they sustained during the civil Wars. His diary consists chiefly of his Experiences in Religion, and Observations on Providence, much like that of *Brodie's*, (his Contemporary and Correspondent) which has been lately published. He laid it down for a Maxim, that it was possible for a Christian to arrive at higher Perfection in this Life, than was actually attained by any. Pursuant to this Principle, he was ready to join himself to any Society of Christians, that set up for peculiar Exaltations of Piety. And this may account for his turning first Independent and afterwards Quaker, without supposing, as some do, that there were any politic Views in the Case. What in his Diary is properly historical, which is all I am concern'd with, may be reduced to a very narrow Compass.

John Spalding, whose Name is transmitted only by Tradition, mentions *David Spalding* Baron of *Ashintullie* in *Struthardill*, who in 1640, was taken and imprisoned by *Argyll* in the Castle of *Dunstaffage*; till he paid him 4000 Merks, and

subscribed the Covenant. *David* had no Heirs of his Body. His Successor *William Spalding* had his Castle of *Ashintullie* burnt, and his Land pitifully plundered and wasted by *Montrose* for adhering to the Covenant. Our Author does not tell us whether he was descended of that Family. I suppose him to have been a Son of *Alexander Spalding* and *Christian Harvey*, who were married in 1608 and resided in *Old Aberdeen*, where 'tis certain our Author lived, who has been a Lawyer by Profession. He has not digested his Memoirs into any Order or Method; but writes in way of Journal, just as things occurred or came to his knowledge. His Stile is very coarse and homely, and would require a Vocabulary to be understood by many modern Readers. His Narratives are so broken, perplex'd and unsatisfying, and his Repetitions of the same things so frequent, that without reducing the Chaos to some Form, and great Improvements from other Authors, they would excite the Curiosity of but very few Readers. Besides his descending to *some very low and trivial Facts and Circumstances, he has copied several printed Papers concerning *English* Affairs, particularly these of *Laud* and *Strafford*, and inserted Accounts of the War betwixt the King and his *English* Subjects, containing nothing but the News that came to *Aberdeen*; both which it would be idle to publish. He appears to have been a good, plain, honest Man; but neither have his views, nor his learning nor his acquaintance with the History of former Times, been very extensive; yet I must acknowledge he has some curious Passages concerning the Affairs of this Nation, which I have not found in other Writers. His Journal begins at 1624, and ends at 1645. There's certainly a Part of it lost, and I have heard of an Abstract of that Part continued to the Year 1650: But after all the search I could possibly make, cannot find it out. As he was a Cavalier, and compelled to subscribe the Covenant in 1640 with the general Assembly's Explication, we may easily believe he tells all the worst things he knew of the Covenanters.

The MS. of *William Gordon of Dalmoir* is entituled a genealogical Account of the Family of *Gordon* and their Cadets, with a Note of their Lives and Fortunes. There is little in it but mere Genealogy, till we come to 1630. And the rest of it

* I fancy the Reader will dispense with me for not publishing these and the like important Passages; that a Party of *Argyle's* Soldiers, quartered in *Old Aberdeen*, and drank out all the stale Ale the first Night, and afterwards had nothing but Wort; that the House of Mr. *William Chalmer*, Minister at *Skene*, was rifled with Impunity; that at a certain Time a Mountebank came to *Aberdeen*, and another time so many Fisher-boats of Futtie were lost: and that at other times the Marquis of *Huntly* came from his Lodging in *New Aberdeen*, to hear sermon in *Old Aberdeen*, dined at such a House, and returned to his Lodging, without doing any thing more at all. As there are several MS. Copies of *Spalding's* Book in the Hands of the Gentlemen of *Aberdeen-shire*, it may be easily known whether I have done him Justice, and whether one of 100 would be at the pains to read, far less at the Expence to buy such a Book, if printed apart, every Word as it lies in the MS. which is what some Gentlemen, who had not perused it I suppose, seemed very earnest to have had done.

has been ingrossed, almost word for word, by *Spalding* in his Memoirs. So there needs nothing more to be said of it; only it goes a little further than *Spalding* into the Year 1645. I suppose the Author, whose Family is now extinct, to have been a *Seton-Gordon*. I have a Journal of Occurrences, written by a *Buchan* Gentleman, a Covenanter; which some time belonged to Mr. *George Clarke* Schoolmaster of *Deer*, and which begins at 1587: but, till we come to 1638, contains* little else but an Account of the Deaths of several Persons, violent or natural, and of such Seasons as were either extraordinary good or bad. It is continued in the same Form from 1652 to 1674. But under the intermediate Years, viz. from 1638 to 1652 we have a much fuller and more satisfying Narrative, which informs us of some particulars concerning the North Country, no where else to be met with. It's pity that the Transcript I have perused, written by *John Turner*, a Relation of the Proprietor's was not better kept; for there is about one half of it wanting. Two of the most valuable of my Authors are still behind.

The first of them, is, *Gilbert Gordon* of *Sallagh*, the Son of *John Gordon* of *Midgartie*, who has been a Servant first of *John* Earl of *Sutherland* and afterwards of *Sir Robert Gordon* of *Gordonston*; for I find the Earl, *John Gordon* of *Embo*, Mr. *John Gray*, Minister at *Dornoch*, and four of the Earl's Servants, viz. Mr. *Gilbert Gordon*, *Gilbert Gordon*, *William Sinclair*, and *Adam Smith*, admitted Burghesses of *Aberdeen*, April 22, 1624. And the following Extract from *Sallagh's*

* The Reader has a Specimen of the first Part of the Journal here subjoined. November 28, 1587, the Gordons viz. Lesmoir, Geight, Capt. Gordon of Creichie, with their Accomplices, slew John Keith of Cryallie; which renewed the deadly Feud betwixt the Keiths and Gordons. January 15, 1589, Huntly and Marshal agreed all their Debates between them at Aberdeen, July 1589. The King caused hold a Justice Air at Aberdeen, and was in the Craig of Innerugie at the Laird's Daughter's Marriage, and October 13, 1594, he came to Aberdeen, and staid ten or twelve Days, left a Guard behind him and Carmichael to be their Guide, with the Assistance of the Northern Barons, demolished Strathbogy, and caused the Castle of Slains to be demolished, November 10. October 1590, Mr. Robert Keith, Brother to the Earl of Mareschal, possessed himself of the Abbey of Deer, wherein he remained six Weeks, and out of which being dislodged, December 15, by Mareschal and Lord Altrie and their Company, he fled to Fedderet, which they attempting in vain three Days after to take in, came to a Truce with him. February 13, he skirmished with my Lord Altrie's Souldiers, slew one Macknab, and carried off all my Lord's Goods out of Mintlay. February 16, Patrick Cantlie, a Servant of the Laird of Towie, strip'd William Muir, who came to take his Master, of all his Armour, Gold and Money; and slew him at a Place, betwixt Towie and Turreff, called Bog-Schalloch. August 5. 1617 William, Brother to George Keith of Clachriat, was slain near Oyckhorn, called the North-Seat, by James Forbes of Blackton. September 24. died Mr. Charles Ferme, Minister at Fraserburgh, and was buried in the old Church of Phillorth. He was a Man of Learning, as appears by some Latin Commentaries he wrote on some Parts of Scripture, and a great Stickler for Presbytery. Sunday October 14, 1618, James Keith, Son to the Laird of North-Field Robert Craigmyll, one Meldrum and a Boy of James Keith's were all slain, near the Mill of Creichie, by John Innes in Elrick and his Brother in law, George Hay Son to Crimon-Mogat.

own Book proves him to have been in the Service of Sir *Robert Gordon*, to whom he has been related.

“ In 1631, there was a Business of the Earl of *Sutherland's* finished, which cost Sir *Robert Gordon* much Pains and Travel to compass for the space of seven Years together, both at Court, and before the great Commission for Surrenders, since the same was established. The Matter was, the settling of the Sheriffship and Regality of *Sutherland*, and the enlarging the Bounds of the Sheriffship of *Sutherland*, and the dismembering of it from the Sheriffdom of *Inverness*, and getting the Town of *Dornogh* to be made the head Burgh of the Shire in all Time coming. The Business was thus settled. There past a mutual Contract in 1631 betwixt King *Charles* and *John* Earl of *Sutherland*, whereby the Earl of *Sutherland* did resign into his Majesty's Hands the Regality and Sheriffship of *Sutherland*, for a certain Sum of Money; and whereby the Earl of *Sutherland* retained and kept the Possession thereof, by way of Mortgage and Wadset, until the Money be paid to him by his Majesty, the King did then, by this Contract, dismember the Sheriffship of *Sutherland* from that of *Inverness*, and adjoined to the Sheriffship of *Sutherland* the Lands of *Strathnaver*, *Edderachiles*, *Durines*, *Strath-Halledail*, *Assint* and *Ferrin-Koskary*, (or *Slischchiles*) which was formerly a Part of the Sheriffdom of *Inverness*; appointing also the City of *Dornogh* to be the head Burgh of the Shire, and the Sheriff of *Sutherland's* Seat of Justice in all time coming: reserving nevertheless the Priviledge of Pit and Gallows always to the Earl of *Sutherland*, within his own proper Lands, either in Tenant or Tenantry, after that the Sum of Money, agreed upon, were paid to him; and also reserving the Possession of the Regality and Sheriffship, under the great Seal, relative to that Contract; which Contract and Infestment were confirmed by Act of Parliament at *Edinburgh* in the Month of *June*, 1633 Years.” There be many particulars contained in that Contract, which my Author omits, referring the curious Reader to the Original. This Contract was formed and drawn up at *Edinburgh* by the King's Advocate, Sir *Robert Gordon* being there for the Earl of *Sutherland*; which Contract being finished, it was sent up to Court, that his Majesty might subscribe it, and our Author, who then attended Sir *Robert Gordon*, went post from *Edinburgh* to Court with it, and brought it back again with the King's Hand to it. So the Earl of *Sutherland* subscribing it, the Infestment passed thro' the Seals.

Sallagh writes in a plain, easy and natural Stile, and with great Candor, Temper and Modesty. His Book, which begins at 1630 and ends at 1651, is entituled, *The Continuation of the History and Genealogy of the Earls of Sutherland*, with which he has intermixed several very curious Passages concerning the Motions of the high-land Clans, and likewise concerning the Affairs of the Nation in general, which, tho' not so fully treated of, are very much to the Purpose. He has the

best Account of the Story of *Rea* and *Ramsay* that is to be met with. He was of the covenanting Side, as were the Earl of *Sutherland* and Sir *Robert Gordon*. The Reader may form an Idea of him from the following Extracts taken from the Beginning of his Book.

" Altho' I be not able to match the Pen or the Stile of him, who preceeded me in describing the Genealogy of the Earls of *Sutherland* (meaning Sir *Robert Gordon*, great Grandfather to the present Sir *Robert Gordon* of *Gordonston*) yet I have endeavoured, according to my Ability, to set down the most remarkable Accidents, which do concern that Family, and the Surname of *Gordon*, since the Year 1630. All the preceeding Accidents and Actions being already so exactly and truly written by Sir *Robert Gordon* in *English*, and by *John Ferrerius* and * *Mr. Alexander Ross* in *Latin*, that it was needless for any Man to undertake it. What I do write, shall be without Malice or Affection, only for Truth's sake; not caring much for the Approbation of any, so that I inform Posterity truly. And thus I shall proceed without any other Preface or insinuating Epistle, giving you first a true Character of Sir *Robert Gordon*, late Tutor of *Sutherland*.

Sir *Robert Gordon* govern'd the Earldom of *Sutherland* for the Space of 15 Years, with great Moderation, Judgment and Dexterity, and render'd up the Government thereof to his Nephew, *John 7th* of that Name, Earl of *Sutherland*, in *November* 1630, Earl *John* being then of the Age of 21 Years and 8 Months. I may, without Flattery, affirm Sir *Robert Gordon* to be a Man, indued with sundry notable Gifts of Mind and Body, judicious, active, liberal, yet provident; truly

* October 5, 1656, The Town Council of Aberdeen appointed a Commissioner to receive, at London, the Money mortified by Mr. Alexander Ross, Dr. of Divinity, born and educate in Aberdeen, viz. 200l. sterl. for maintaining two poor Scholars, born in the Town and instructed in the Grammar-School, till they attain to the Degree of Master of Arts in the New College; and 50l. sterl. (Mr. William Smith, in his Latin Oration in praise of the Benefactors to the Mareschal College, says, by Mistake 100l. sterl.) for two poor Men in the Town's Hospital. This Appointment was made in consequence of a Letter written the Year preceeding by William Ross, the Mortifier's Brother, who was going to France, their Brother George being then in Holland. Mr. Andrew Henly of Bramshill, the third Executor, a Man of vast Estate (whose House, distant from London, West-ward, near Hartford-Bridge, thirty Miles, was the greatest in England,) was a very witty, subtile Man, and as wary as he was rich, and wanted landed Security for the Money: so that, says William Ross, those that were to deal with him, in absence of the other two Executors, had need to be circumspect and wise. Dr. Ross, besides other Legacies to his Friends, to the Number of sixty or eighty Persons, particularly 50l. sterling to his Cousin Marion Ross, Spouse of Thomas Mitchel in Aberdeen, left to the Libraries of the Universities of Oxford and Cambridge 50l. sterling a piece, and as much to the Schoolmaster of Southampton, and to the poor Householdors of All-Saints Parish in that Town; the Minister whereof was to have 10s. for preaching an anniversary Sermon on Matthew 5, 3. December 14, the Day of the Distribution of the Interest of the Money: he left also a Legacy to the Isle of Wight. He, I suppose, wrote the History of the Gordons, mention'd by Sallagh and Dr. Nicolson, and the Pansebeia, or View of all Religions, which Mr. Bingham calls a futilous and injudicious Performance.

generous and noble hearted ; sober and moderate in his Diet, hating all Drunkenness, and Intemperance ; well seen in History ; wise, as any hath been these many Ages of that Family ; religious, given to Peace, spending much Time in taking away Controversies, and settling of such Debates, as did arise among the Inhabitants of that Province. He hath, by his Wisdom, Dexterity and Providence, restored the almost decay'd Estate of that House and Family, considering the Burden, wherewith his Brother, Earl *John*, had left his Estate overwhelm'd, by reason of his Troubles with the Earl of *Catneyes* ; the Disengagement and Advancement whereof has been Sir *Robert's* greatest Care, yea rather too far transported and carried with a fervent Affection that way, having therein spent a great part of his Time and of his Means. He hath compassed, by his Policy and Wisdom, sundry hard and intricate Businesses, which concern'd the House and Family of *Sutherland*, and brought them to a prosperous End, being often crossed in these Affairs and Designs, not only by his Enemies, but also by his own nearest Friends and Kinsmen ; a most constant Performer of his Word and Promise, when he had once engaged the same : sincere and honest in all his Proceedings ; and so reputed generally by all Men : too vehement and passionate in any Action ; which natural Imperfection he did often moderate by his Judgment and Discretion ; a painful and exact Justitiar without Partiality : a Man dealing truly, fearing God, and hating Covetousness ; a great Maintainer and Assister of the Church and Church-Men within these Bounds : a stout and eager Defender of the Inhabitants of that Country from the Injury of their adjoining Neighbours ; a close and wise Dealer with his own Country-men, whereby he procured their Love and Favour ; a hard Matter among so many Factions, whereunto they are inclined. He may be justly called a rare Instrument in *Sutherland*, for the Advancement of God's Church there, for the weal of that Family, and for the flourishing Estate of the Common-wealth in that Country ; having much reformed the Fashions and Customs of the Inhabitants of that Province, conform unto that which he had observed elsewhere in his Travels abroad. But Men are not Saints ; these Virtues must needs be accompanied with some Vices : a bitter Enemy, so long as he professes it ; cholerick * * * but his eminent Virtues did overballance and obscure these Vices.

John, Earl of *Sutherland*, being invested and settled in his Estate, and having served himself, at *Inverness*, the next Heir of Blood to his Ancestors and Progenitors, the ancient Earls of *Sutherland*, 14 May 1630 ; he nevertheless follows the Advice and Counsel of his Uncle, Sir *Robert Gordon*, altho' divers ill affected Persons did strive, for their own ends, to sow Dissention betwixt them ; but all their Practices were in vain. Sir *Robert* did always clear these cloudy Storms, when at any Time they appeared, or were urged against him. For whatsoever evil Impression they did endeavour to give unto Earl *John*, he failed not to acquaint his Uncle therewith, before he would give them Credit, or believe them ;

which gave Sir *Robert* Time and Occasion to clear himself of these false Imputations: And by these means, they did still keep good and perfect Amity together. The Earl and his Uncle did then clear and remove all particular Questions betwixt themselves, and gave each to others mutual Discharges of all things which past during Earl *John's* Minority. At this Time also, Sir *Robert Gordon*, by the Advice of the Earl of *Sutherland's* Friend's, did sell and alienate to his Nephew, Earl *John*, the Lands of *Golspitour*, *Backies*, and *Golspikirktown*, which had not been for many Ages in the Possession of the Earls of *Sutherland*, having been given away by them; and were bought by Sir *Robert Gordon* from the Heritors, during Earl *John's* Minority; but, as it now appeareth, to Earl *John's* Use; seeing the Earl could hardly be without them, they lying so nigh to his chief Dwelling, and being so convenient for him. Sir *Robert*, for some particular Considerations and Conditions between him and his Nephew, detained the Possession of these Lands till 1636.*

Another of my Authors, is, *Patrick Gordon*, an high Cavalier, Brother to Sir *Alexander*, Son to Sir *Thomas* and Grandson to *John Gordon* of *Clunie*. He and Mr. *Alexander Udny*, Son to the Laird of *Udny*, both at the special Request of Lord *Gordon*, were admitted Burgesses of *Aberdeen*, March, 23, 1608; and I find him and *Alexander Murray* of *Cowbairdie* mention'd July 2d the same Year, as Curators to one *Alexander Murray*. I have reserv'd to speak of him in the last Place; because he begins later than any of the rest. His History is entituled, *A short Abridgement of Britain's Distemper from the Year of God 1639 to 1649*. It is divided into four Books: the first reaches from the Beginning of the Troubles to *Haddo's* Execution; the 2d to the Battle of *Inverlochie*; the 3d to that of *Alford*; and the last concludes with the Execution and Character of King *Charles* and the Marquis of *Huntly*. His Stile is florid and copious; his Characters somewhat strained and romantic, especially those of *Huntly* and his Sons, to whom he has had a very particular Attachment. He is a little unhappy in describing the Causes of the civil War, ascribing too much to foreign Influence, particularly to that of the Planets. Yet his Narrations, allowing for some Sallies of Passion and Imagination, and rhetorical Flourishes, are, for the most part, just and ingenuous. He treats the *English* with as much Indignation as Lord *Clarendon* does the *Scots* with Contempt. Tho' it be his professed Design to vindicate his Chief from the

* The same Year 1636, Sir Robert bought the Lands of Drany in Murray from Robert Innes of Drany, and settled himself in that Province, in a convenient Place, near the Marquis of Huntly, and not far from his Nephew, the Earl of Sutherland. In 1642 he purchased the feu-duties of his Lands of the Barony of Drany, which he paid formerly to the Bishops of Murray; and were then devolved into the King's Hand's, by the Fall of the Bishops in this Kingdom. The same year, he took a new Infestment, under the great Seal, from the King (Blench) of the Lands of Plowlands and Ogstoun, and called the same the Barony of Gordonston. Sallagh.

Imputations cast upon him by the Author of the first Narration, as he calls him, meaning, I suppose, Dr. *Wishart*, who writes the Life of *Montrose*; and tho' the respective Friends of *Hamilton* and *Montrose*, speak not over favourably of *Huntly's* Conduct; yet he fails not to do justice to *Montrose's* Merit, every where extolling him as an Hero, and giving a better Account of his Progress, and fuller in several particulars, than any thing that has hitherto appeared in Print. *Hamilton's* Conduct in the Beginning he represents as treacherous; but seems doubtful as to the future Part of it. His Genius, Stile, Manner, Principles and Design, may be discovered from the following Extracts.

“ And I, whom God, for my Sins, has reserved for those unhappy Times, have found an unwonted Motion in my Soul, to leave a Memorial to Posterity of such Observations, as I have noted, of this dreadful and never to be matched Distemper; altho' I cannot but confess my own Weakness, there being so many judicious, learned and able Spirits, who can and will go in hand with the Business. This only shall be my best Encouragement, that, as I carry spleen nor Hatred to no Man, so shall my Relation go always accompanied with the Truth. And therefore I could wish, that it were buried in Oblivion, till I were in my Grave; for well I know, that the Truth shall never be gracious, whilst the Actors are on Life: and therefore true Histories are usually written in succeeding Ages; which makes them often faulty in many and most weighty Circumstances, for want of true Information, having neither Eye nor Ear-Witnesses.”

In another Place, apologizing for some passionate Expressions, and making fresh Protestations of his Sincerity, he confounds the Presbyterians and Independents, whose Views were directly opposite, under the common Name of Puritans; tho' he afterwards takes pains to vindicate the *Scots* from that vile Imputation of selling their King. “ And here, says he, I intreat one Favour of the courteous and gentle Reader, that he mistake me not, altho' sometimes in my Relation I seem sharp and bitter. For here I protest ingenuously, that I have neither Malice, in particular, to any Man, nor do I intend to wrong the Name, the Fame, the Credit or Reputation of any Nobleman or Gentleman, that, in this general and ever to be pitied Distemper, has adhered to the Covenant. For, as I am certain that they are seduced and deceived by the Puritan Faction, and, whilst this Combustion is hot and new, they are not to be dealt with: even so am I confident, when Time and Experience have cooled the Heat of their Passion, that God almighty will open their Eyes, to see the fearful and dangerous Precipices, whereinto a few Puritan Preachers did bring them; and that it was not, either the Reformation of Church Government, or the bringing in of the *Roman* Catholick, that began, or first set the Covenant on foot: for if that had been the only Reason, whereby they moved the Nobility to take Arms against their King, then had they been appeased, and content to lay down Arms, when the King had granted what-

soever they required; as when he yielded to put down Prelacy, and set up Presbytery: and as for his Majesty's Intention to tolerate or in any way to give way to the *Roman* Catholic, it proved a Scandal, yea a Scandal so malicious, that in the end, they were ashamed to own it: and yet they cried it up fearfully, so long as they could thereby incense the People against their King. Nor could they accuse the King neither of any other predominant Vice; but, on the contrary, they knew him to be one of the rarest Men for Wisdom and Virtue, that this or any former Age has produced: they knew him so constant, so zealous, and so deeply learned in the protestant Religion, that he was not behind the best Divines of his Time, for Knowledge and Speculation, having *Theorie* more perfect than many of the best Preachers; and, for the *Practic*, it was well known, that if he had not been a King, he could have been an excellent Preacher; so deep was his Knowledge in *Theology*, and so well could he govern that little Stammer, which he had in his Speech. What then could be the Reason, when he had satisfied them in all Reason, and was so wise, so worthy, and so excellent a Prince, that he was to be wished and desired of his People to reign over them?

The true Reason they concealed, till it could no longer be concealed for them; and that was, the putting down of Monarchy, and the establishing of a confused Anarchy. For in this those Puritans agreed with the *English* Independents; and therefore, let the King be another *St. Paul*, whilst they hate his Function, they desire to be rid of his Person. This will plainly appear hereafter, when you shall see a general Assembly stand up against a Parliament; because they intended to relieve their King, whose Death was concluded by the *English* Sectaries: And when they had led both the Nobility and the Gentry with their pretended Zeal to Religion, and the Establishment of the Laws and Liberties of the Kingdom; when they, I say, with this fair Pretext allured and moved the Nobility to take Arms, yet they dare not be so plain, till they had brought them to engage themselves so deep against the Royal Authority, that they knew no way how to come fairly off: and then it is well known, how those fummy Puritan Preachers (for the true Protestant Preachers hold never with them in this Point) did cunningly insinuate, both in their ordinary Discourse and secret Persuasions, how a Republic was the best Government under Heaven, and how Monarchy was condemned by God's own Mouth, when he told *Samuel*, that it was not him, but God himself, whom they refused, when they desired to have a King.

How learned, how wise and judicious, was that great King, *Jacobus Pacificus*, who knew the Art of Rule better than any Prince of *Europe* in his Time, and who had been brought up a Puritan from his Infancy! yet when he had passed his Adolescence, and was come to have reigned 36 Years; then did his far and deep-reaching Judgment pierce the most hidden Secrets of the Puritans: and therefore

he did ever hold this general Maxim, *that it was impossible for any Man to be both a Puritan and a faithful Subject to his Prince.*

And I do so much honour that worthy King, and reverence his Judgement, that I shall never be persuaded, but our Nobility shall be one Day so fully brought over from the Puritan Faction, that they shall not only desire to establish again the Kingly Government, but they shall also hate and curse the Covenant, and those turbulent Spirits who did first invent it ; when they shall see, that those Pretenders of a Reformation of the Kirk and State have most miserably deformed, but not reformed either of them. And I doubt not, when the Nobility and the whole Body of the People, shall look back upon the Government, in the happy Time of King *James's* Reign, and the 12 Years, wherein the good King *Charles* reigned in Peace ; and there shall behold how plentiful, how peaceable, and how prosperous this Island was, and looking upon the Face of the Government, and of the whole Land, as it is at this Day, how lamentable, how poor and how miserable it looks, and how this Monarchy of *Britain* was admired, feared and revered of all their Neighbours, whilst those good Kings governed them ; and now, since the Covenant began, we are despised, hated, and become a reproach to all Nations round about us : When this, I say, shall be gravely ponder'd, and advised on, by the great Men of the Land, without a prejudged Opinion ; then shall they all, with one Consent, call for a King ; then shall they acknowledge, that Kings are Gods on Earth, and that the Lord directs them, and is their Councillor : And therefore hath the royal Prophet said, that *God sat in Council among the Gods. The Heart of the King is in the Hand of God ; and he disposeth thereof according to his good Pleasure. It is the Lord that setteth up Kings, and establisheth their Throne.* Let our Nation then beware to set themselves against their King ; lest they be found to fight against God. The ancient *Romans*, when the Tyranny and Pride of the *Tarquins* moved them to desert Monarchy, did so hate Kings, that they would have the Name of a King to be no more heard amongst them ; till their *Augurs* told them, that the Name of King was so divine, that it was a consecrated Name, and sacred unto the Gods : Wherefore the Senate changes their Sentence, retaining the Name of a King, till they should see how God disposed of their Estate : And therefore gave the Name of a King to their *Arch-flamen*.

When God was pleased to raise the fourth Monarchy, and had established it in *Augustus*, that the Saviour of the World might be born, according to *Daniel's* Prophecy ; then *Augustus* (and so did his Successors after him) took on him the Dignity of *Arch-flamen*, that he might be honoured with the Name of a King : so sacred and divine has that Name been accounted, before all other Titles. Nor shall our Miseries have an End ; till the divine Providence restore the Hearts of our Nobility to their King, and their King to them."

A little after, the Author acquaints us with his particular Views. "But, says he, it is not my Intention to lay open, or rip up the Mystery of this our peace-devouring Covenant; nor to show, who were the prime Heads of both Nations, where the private Meetings were; nor how it was first hatched in *England*, tho' broached in *Scotland*: All those and many more particulars I leave to their grave Judgments, whose learned Pens and perfect Intelligence make them more capable of such profound Mysteries. My Intention is only to begin, where those terrible and fearful Inundations, that have overflowed the whole Monarchy of *Great Britain*, met with their first Resistance, I mean in the *North* of this Kingdom. For, when this high swelling Tide had flowed over the *South*, without any visible or known Opposition; first it found in the *North* a Bar, or Refluxion of a contrary Tide, which, altho' but weak to resist such a mighty and violent Flood, as the Strength of a whole Kingdom; yet may the Reader observe, by the Thread of my History, that, even in that Weakness, there was ever a certain Vigor, which, by divine Influence, seemed to prop it up, when it was almost broken in Pieces by that heaven-threatening Giant, our war-hatching Covenant.

He then that did first oppose himself against this Master of Confusion, or Instrument of our Calamity, was the Marquis of *Huntly*, a great Prince in his own Country, yet but weak in comparison of this many headed *Hydra*. And as he hath, in this, deserved a glorious Memory to all Posterity, for that he gave so large expression of his Faith and Loyalty to his sovereign Lord; so I am not ignorant, how many Aspersions are blown abroad, to taint his Reputation. Nor could it be otherwise, since this one Action of his made him as many bitter and malicious Enemies, as there were Covenanters in both Kingdoms. And, as I will not take upon me to clear him of all Faults; since no mortal Man is without Fault: so will I, in keeping the Truth, as near as my Knowledge or Intelligence can lead me, strive to vindicate him from the hatred and implacable Malice of his Enemies."

If any Reader shall consider a great Part of the afore-cited Harangue, particularly what relates to the Character of King *James*, to the former Part of his Sons Government and the rise of the Covenant, as a mere Sport of Fancy, he may expect to find a real Performance of our Author's Intentions, declared in the last, and in the following Paragraph, prefixed to his Relation of the Battle of *Aberdeen*.

"I have told you before, how I intend not to write a large History of those Times; both because there are so many that have taken that task in Hand, as also that I cannot get Intelligence of every particular; neither of all the Praise-worthy Actions of Commanders and Men of Quality on both sides. For, as I would be loath to conceal any Man's Deserts, or defraud him of the Praise due to his Merits; so would I be loath, in any sort, to be taxed for any untruth; since what I write is from their Relation, who were Actors on both sides, and those of the best sort, and who have been ever reported worthy of Credit. Let my Readers therefore look but for an

Abridgment, without prejudice to the well deserving: Yet I am willing, and will strive to be sparing even to the malignant Party, hoping, that the worthiest of them will one Day see their Error, and return to be good Patriots and loyal Subjects. ”

After I have told, that I expect to be allowed the perusal of several MSS. in the publick Libraries of *Edinburgh* and *Glasgow*, and of private Gentlemen, which treat of the same Period with those Authors I have already in my possession; the Reader is acquainted with the whole stock of my Materials; which I design to lay together in the best Manner I am able, keeping as close as possible to the Stile of such of my Authors as will not be disagreeable to Modern Ears, taking Notice of their differences as to Matters of Fact, and pointing out any considerable mistakes they have faln into. As for the rest, I am more afraid of the Censure of following them too close, than of omitting any thing that is material. I am not at the full Liberty of an Historian, who throws out of the Memoirs he makes use of every thing he thinks below the dignity of his Subject: And even the relating of some things, otherwise trivial, which discover the Humour of the Times, or even of the Writer, may, now and then, prove a sort of Relief and Refreshment to the Reader, whom I would not disappoint by promising a continued Thread of public Affairs for several Years preceeding the civil Wars; the Subject whereof, with the help of the MSS. I am proposing to publish, and of what has been already printed, may one Day be treated, as it deserves, by such a Genius raised up by Providence as *Straloch* and *Crimond* describe. If any of the Descendents of those that were concerned in the Transactions I write of, think the Relation bears hard upon the Memory of their Ancestors, not I, but my Authors, whom I leave accountable for the Truth of Facts, must bear the blame. If Men will do bad things, it is but a small Punishment to have their Names transmitted with a mark of Infamy to Posterity, who ought to learn thereby to become wiser and better: tho’ some, according as they happen to favour the opposite sides, may reckon their Ancestors being merely of this or the other Party in those distempered Times a reproach to themselves. Professions of Sincerity, whereof the most grosly partial are many Times the most profuse, are but vain Things. I do not desire that any one should believe me, but his own Eyes. Whoever doubts, let him search and he will find.

MEMOIRS OF SCOTISH AFFAIRS FROM 1624 TO 1651. BOOK I. CONTAINING AN
ACCOUNT OF TRANSACTIONS FROM 1624 TO 1637.

THE rising of the *Clan chattan* being the first thing that occurs in the Memoirs I make use of, and the Motions of several other Clans being related in the following Part; it may not be improper to insert *Straloch’s* Character of the Highlanders in general, which he prefixes to his Account of the Battle of *Glenlivet*, censuring

Boyes and *Buchanan* as defective in this particular, or rather, as not giving a true and just Description of the *Scotish* Highlanders.

They differ so widely from the rest of the *Scots*, who dwell in the same Kingdom with them, that one would think they were not of the same Nation. They inhabit the whole Western Coast, extending from the Frith of *Clyde* to *Caithness*, which looks down upon the *Orknay* Isles. Here are many choice Bays and Harbours, capable to contain great Fleets; but, as there is no Traffick carried on in these Parts, perfectly useless. What I have said of the Continent is generally true of the *Æbudaë* Islands, which lie scattered in great Numbers in that Ocean. But there is a wide Difference between them and the *Orknay* Isles, the Inhabitants whereof are civiliz'd, polite, industrious, and speak the *Scotish* Tongue, which is a Dialect of the English. The Highlanders differ vastly from the other *Scots* in Language, Customs, way of Life, Nature, and even in their Apparel. One half of *Scotland*, including the Western Isles, spoke the *Erse* in the Time of *John Major*, who tells us the Highlanders hate the lowland *Scots*, on account of their Language, as much as they do the English. They are all of them unpolish'd and savage, Haters and ignorant of the Laws; which they look upon as so many Restraints on their Liberty. Their Parsimony is the Fruit of their Poverty, improved by the Fault of a barren Soil and their in-bred Laziness and Aversion to all manner of Work. Their Riches consist in Cattle; on the Milk and Flesh whereof they mostly live, or on what Venison they happen to catch in hunting the Deer and Roes. They have but little Bread, not being very solicitous about a thing, which cannot be had but by tilling the Ground and hard Labour: For Idleness and doing nothing is to them dearer than all the World. They have generally large and robust Bodies; are well-limb'd, well-made and well-favour'd. As for their Apparel; next the Skin, they wear a short linnen Shirt, which the great Men among them sometimes dye of saffron Colour. They use it short, that it may not incumber them, when running or travelling. *Major* says the common People among them went out to Battle, having their Body cover'd with Linnen of many Folds sewed together and done over with Wax or Pitch, with a Covering of Hart's Skin; but that the *English* and common low-land *Scots* fought in Clokes. In the sharp Winter the Highland Men wear close Trowzes, which cover the Thighs, Legs and Feet. To fence their Feet, they put on Rullions or raw leather shoes. Above their Shirt, they have a single Coat, reaching no farther than the Navel. Their uppermost Garment is a loose Cloke of several Ells, striped and party colour'd, (the Tartan Plaid) which they gird breadth-wise with a leathern Belt, so as it scarce covers the Knees; and that for the above-mention'd Reason, that it may be no Lett to them, when on a Journey or doing any Work. Far the greatest part of the Plaid covers the uppermost parts of the Body. Sometimes it is all folded round the Body about the Region of the Belt, for disengaging and leaving the Hands free; and sometimes 'tis wrapped round all that is above the

Flank. The Trowzes are for Winter use: at other Times they content themselves with short Hose, which scarce reach to the Knees. When they compose themselves to Rest and Sleep, they loose the Belt, and roll themselves in the Plaid, lying down on the bare Ground, or putting Heather under them nicely set together after their Manner; or, for want of that, they use a little Straw or Hay. Their Weapons are, a Bow, and a Quiver full of bearded Arrows, which hangs on their Thigh, a Poniard (or Durk) and broad Sword; and some of them have two handed Swords, (he omits the Target; also the little Halbert and Mail-Coat mentioned by *Major*.) They have now learned to use Guns, both against their Enemies and in hunting, an Exercise frequent with them. They are divided into various Tribes or Clans, subject to their respective Chieftains, of whose Family the whole Clan is most an End made up. So great is the reverence the *Argyle* Men bear to their Chief, says *Major*, that they Swear by the Hand of the great *Allan*, that is the Earl of *Argyle*; as the *Egyptians* of old by the Life of *Pharaoh*. This is not peculiar to the *Campbell's*; for several other Clans do at this Day swear by their Chieftain; for Instance, the *Clan-chenzie*, by *God and Mackenzie*. Deadly Feuds are common among them; which often issue in Blood, and when they are greatly inflamed, very long e'er they are laid aside; for they retain the Remembrance of Injuries for a very long Time, as they also do that of good Deeds to their Benefactors and their Posterity. Their natural and inbred Sloth is the Parent of Want, which they don't seek to remedy by Labour, but by robbing and plundering. This occasions frequent Slaughters, whilst the Booty is re-demanded from these that are caught with it.

This Character is somewhat severe. *Straloch* ought to have made a Distinction, as *Major* does, between the wild Highlanders, called *Caterans*, and those who, having Abundance of Oxen, Sheep, and Horses, are, for fear of losing their Substance, more obedient to the King and the Laws. Hereditary Feuds are not peculiar to them. *Major*, speaking of the *Scots* in general, says, if two great Men, of equal Quality, live near one another, there are frequent Strifes and Murders betwixt them; Nor do their Vassals, like the Herdmen of *Abraham* and *Lot*, meet without Strife. The opposite Houses instill their Hatred into their Children from their first Years, which they entertain sooner than they do the Love of God. Could the Clans be cured of their Disinclination to Labour, thieving and plundering would cease of course. They are certainly very capable of great and good things, when they meet with proper Discipline; and more civilized now than they were in *Straloch's* Time.

Referring the Reader to other Authors, for the Origin of the rest of the Clans, that of the *Clan-Chattan*, which some with less Probability derive from an *Irish* Saint, is thus accounted for by our Antiquaries. The *Chatti*, a People in the Territory of

APPENDIX TO THE PREFACE.

NO. II.

MARRIAGE CONTRACT OF JAMES GORDON, PARSON OF ROTHIEMAY.

DISCHARGE OFF CONTRACT MATRIMONIAL BY MR JAMES GORDONE MINISTER AT
ROTHEMAYE & C TO HIS FATHER THE LAIRD OF STRATHLOCHE

BE it knowne to all Men by thir presentts forasmeeke as by vertwe of a Matrimoniall Contracte betuixt Mr James Gordone Minister at Rothemay for himselfe & with consent of Mr Robert Gordone of Strathloch his father on the one pairt and James Gordone of Rothemaye for himselfe & tacking burthen upon him for Margaret Gordone his lafull sister & the saide Margaret for hir self vith consent of hir saide brother on the other pairt which contract is of the date at Strathloch the aughtenth day of Julij in the yeare jaj vic fourty and three sub-scrybed by Mr Robert Gordone of Strathloch and his sonne Mr James Gordone Minister at Rothemay befor wittness Mr Alexr Menzies of Kinmundy Mr Arthur gordone sonne lafull to the saide Mr Robert and Mr Hugh Rosse scoolmaister as also at Skeen the nyntenth daye of Julij in the yeare forsaide subsigned by James Gordone of Rothemay & Margaret Gordone his lafull sister befor wittness James Skeen of that Ilke patricke Gordone serviteur to the forsaide James Gordone of rothemaye and Johne spense serviteur to the forsaid Lairde of Skene be virtue of which Contracte the saide Mr Robert Gordone of strathloche was bounde and did obleidge himselfe to pay to the saide Mr James his sonne heritably and to the saide Margaret Gordone in lyverent all and haille the summe of Three thousande Merkes Money of this realme at the feast and terme of Wittsondaye in the yeare jaj vic fourty and four Together also with the yearly annwell rent as long as the forsaide principall summe should remaine in his handes unpaid after the said terme of wittsonday in the yeare forsaide vith failies therin expressed as the forsaide Contract at mair lenth proportes And lyckwayes forasmeeke as at the graunting of The saide obligatione of the heritable summe forsaide in manner above specifyd by the saide Mr Robert to the saide Mr James He the said Mr

Robert [representing?] his inabilitye to pay the saide principall or profittes at the terme above specifyd by reasone of other burthens dettes and provisiones of Childrene lately undergone did therfor upon thes and other onerouse Causes at that tyme specifyd desyre of his saide sonne Mr James and by him to the partyes contractors [] That it was necessare that the saide Mr James for himself & with consent of the saide James Gordone of Rothemaye tacking burthen upon him for his said sister Margaret Gordone should graunt vnto him for the reasones forsaide a suspentione and prorogatione of all payment of the forsaide summe principall profittes and failyes till he should be in a better capacitee then at present to macke payment as saide is of principall or profitts forsaide or in cause he thought good that the saide Mr Robert should be quytte discharged of all the profittes tho during his lyfetye the principall shuld remaine unpaid & then his here to be discharged upon simple payment of the forsaide principall summe ather vithout paying any by owane profitts or only so much as he the saide Mr Robert should nominat but all this with this provisione and [contracte?] in cause the saide Mr James should outlive his fathr it being her expressly provyded that in cause God should call the saide Mr James befor his father that then the first terme after his decease the saide Margaret Gordon or hir heares should enter with payment of annwell and so continow till the principall wer payd all which forsaides the saide suspentione prorogatione and discharge in itself at mor Lenth houldes out as it was yeilded and conceded unto and delyvered into the handes of the saide Mr Robert at the subscriptione of the forsaide Contract which forsaide discharge is of the date at The daye of Julij in the yeare jai vic fourty and three subscribyed by the handes of the saide Mr James Gordone and James Gordone of Rothemay tacking burthen as saide is Yet forasmeeke as Notvithstanding of the forsaide suspentione of payment of principall and discharge of profittes as saide is The saide Mr Robert Gordone of Strathloche is content to paye the forsaide principall summe and at the delyvry of thir presentes hes really and in effect payd it to the saide Mr James his sonne and out of Goodwill to adde to the provisione of his saide sonne Mr James The summe of ane Thousande Merks Money by and attoure the forsaide Three thousand Merks Therfor we the saide Mr James and Margaret Gordone evrye one of us vith mutwall Consent and for our owne right and entresse as also I the saide James Gordone of Rothemay for my Right and entresse doe by thir presentes graunte us completly satisfeed and payd of the saide soume of three thousande Merkes money forsaide and of all bygone annwells and failyes therof whiche we might have asked or may hereafter aske be vertue of the saide contracte. Renouncing the exceptione of not numbred money and also all exceptiones of Law and practicke we may or might propounde in the contrarie & therfor and for the causes above specifyd doe exoner and discharge the saide Mr Robert and his heres and executors heerof for now and ever and I the saide Mr

James doe by thir presentes obleidge mee my heires and executors for and in Name of my spowse the said Margarette gordone that this hir discharge shall be a sufficient and valide exoneracione of the forsaid summes to the said Mr Robert and his forsaides for ever lykeas for the causes above specifyd by thir presentes I doe discharge the saide Mr Robert and his forsaides of all dettes summes of Money Legacies or whatsomever other I may aske or crave fra the saide Mr Robert or his forsaides as executors to w^mqll dame Isabell forbess Lady petlurge his Mother and by vertue of hir testament Lyckeas also be thir presents I graunte my self for the Causes above specifyd Completely satisfed and payd be the saide Mr Robert my father of whatsomever dettes soumes of Money or Legacies I may reclaime or have right unto by the decease of my saide father whensomever the same shall fall out renouncing by thir presents all Clajme what ever yt I may have therunto furdur then any thing what ever my saide father may Happne possibly to bestow vpon mee out of poore Goodwill or his oune proper benevolence And for his furdur securityte and ratificatione of all and evry one of the premisses We undersubscribers are content & consentes that thir presentes be insert or registrate in the sheriffe or comissars books of Abd bookes of Counsell in Edr or in any register appoynted or to be appoynted to that effect ther to remaine ad futuram rej memoriam and to that effect Constitutes

our very Lawfull and irrevocable procurators and ilke ane of them to compeer and consent to the registratione heerof [] In verificatione wherof as also of the haille tenour of our forsaides discharge Thir presents wryttne by the forsaid Mr James are subscryved by James Gordone of Rothemay The forsaid Mr James wrytter of thir presentes & The forsaid Margarette Gordone spouse to the saide Mr James at Rothemay In the yeare of our Lord Jaj vic fifty and three The nyntenthe daye of this Instant November before thir wittnesse James Lorimer Marchant burgesse of Abd & Michael Murdoch serviteur to the Lady Rothemay elder wittnesse to the subscriptione of James Gordone of Rothemay as also at Rothemay Kirke the twenty one daye of November befor wittnesse Beroald Innes of turtury Robert Bruce Indweller in Rothemay and Johnne watt sonne to william watt in kirketowne of rothemay

JAMES GORDONE
E
M R

MARGARETT GORDON

BER: INNES witnes to minister
and his wyfes subscriptiones

ROT BRUCE witnes to the
svbscriptionnes forsaid

JOHN WATT vitnes to the
subscriptiones forsaid

JAMES GORDONE

JAMES LORIMER Wittness

MICHAEL MURDAGH wittness

APPENDIX TO THE PREFACE.

NO. III.

LAST WILL OF ROBERT GORDON OF STRALOCH.

THE COPPIE OF THE TESTAMENT OF THE UMQWHILL LAIRD OF STRALOCH

I Mr ROBERT GORDON of Straloch Considering with my selfe my great age, and the uncertantie of my life and death, being yet (god be praised) in good health of bodie, and my mind intire also for which I praise the almightie my creator doe now by thir presents, make and appoynt my testament legacie and letter will as foloueth.

First I recommend my soul to the almightie my creator and redeemer hoping be his suffering for me to have salvation.

My bodie I desire may be buried in the church of new Machar my parish kirk in such a place as may be beside the bones of my son George, and that the bons of my son Mr Patrik, may be taken up, and layd beside my body also, and room reserved for more of myne, and my wife also, as falls out.

I make and appoynt my bedfellow Katharine Irvine, my sons Alexr. Mr Arthur Gordon, and Mr. Leues Gordon, to be executors of this my letter will, and remitts the giving up of the inventour of my moveables to them.

I am donator to my umquhill brothers escheat, and I reserved be paction betwixt my brother and my eldest son and me four hundreth merks to have been payed yeerly bee my eldest son Robert Gordon, out of the lands of Bottarie, whilk he [has] taken up since at all time This I will not that he be questioned for, or that it be asked for, providing he ratifie this my letter will in all poynts, and ratifie and fulfill in all poynts a bond of provision in favour of my four sons who ar yet unforisfamiat. As for any part of moveables wherof the law gives me power to dispose upon, I appoynt the same to be equally divided, between my forsaid four unforisfamiat sons to wit, Alexr, Mr Hue, Mr Arthur, and Mr leues Gordons.

I leave a watch which I have of unqwhil Georg lord Gordon, and a madalle of gold weightig two unce and above, which I have of the said lord also, to my son John Gordon of fechil.

I appoynt my son Mr Jams Gordon minister at Rothemay, all mappes, papers and descriptions, the most part writen and drawn with my hand, which conduce to the description of Scotland, and hee to bee countable therfore to the publique, but because they are all imperfect, that they be weil corrected or any use be made of them.

I appoynt such books as I have, and all such peapers as concern learning and literature, to be divided by their own concents amongst my sons Mr Hue, Mr leues, and Mr Arthur, and that Alexr altho he be no scholler may bee contented also with such as are most expedient for him.

I appoynt and leave two hundreth merks in money or the worth therof in vic-twall as the prices rule, to be destributed among the poor and indigent, especiallie householders who are burdened with children, all indwellers in the parish of new Machar. Thir presents are writen and subscribed be mee at Straloch the fourth day of September the yeer of god Jai vi fiftie seven befor witnes Mr. George Melvill minister at new machar and William Killgour, servitour to the said Mr Arthur my son

Sic subscribitur

Mr. GEORGE MELVILL witnes

RO GORDONE

WILL: KILGOUR witnes.

This is the exact transump of the testament of the umquhil laird of Straloch

APPENDIX TO THE PREFACE.

NO. IV.

EXTRACTS FROM THE REGISTERS OF THE KIRK-SESSION OF ROTHIEMAY.

[The registers of the kirk-session of Rothiemay commence on the 17th May, 1604. They have not been well preserved. There is a *hiatus* of nearly twenty years, between 1631 and 1649.]

27 May 1604

In respect of the plaig of the pestilence laitlie brokin out in Edinburgh and in some pairtes of Anguiss it is ordainit that the broustaris within this parochin be opinlie forbidden to ressaive any strangir or passenger without sufficient knowlege that they cam fra na suspect plaice

2 June 1605

This day intimatioun maid to all that had not communicat this yeir throw absence or seiknes that thai prepair thamselvis against the nixt Sondag becaus that my Lords ⁽¹⁾ household is to communicat

9 June 1605

Quhilke day my lords wyff⁽²⁾ and his mother⁽³⁾ his sisters vizt. the lady Phil-lorthe⁽⁴⁾ and maistres Jean⁽⁵⁾ with all the rest of thair houshald that war present communicat except Helen Chisome and Margaret Cragheid servandis to the young Lady quha pretendit excuss of seikness bot suspect of religion

(1) [John, eighth Lord Abernethy of Saltoun, whose chief seat was at Rothiemay.]

(2) [The Lord Saltoun was twice married, first to the Lady Mary, daughter of the Bonny Earl of Murray; second to Anne, daughter of the first Lord Blantyre.]

(3) [Lady Margaret Stuart, daughter to John, fourth Earl of Atholl.]

(4) [Margaret Abernethy, wife of Sir Alexander Fraser of Philorth, the great-grandfather of William Fraser, the first Lord Saltoun of that name.]

(5) [Jean Abernethy, married in 1607, to Sir John Lindsay of Kinfauns and Carraldstoun. She married afterwards the Laird of Gicht. See below, p. liv.]

1 June 1606

Quhilk day it is ordanit be the minister and eldaris That sik as bes bureit with-
in the Kirk sen the minister his entries sall pay for thair burrial ilk ane xx sh monie

5 Julij 1607

This day Elspet Andersoun quha hed ben put in the Joggis maid her repentance
and compeiring befor the Sessione It was declairit unto hir that in caise she abstein
not and keip not himself in tym coming she sal be banesit the land

15 Julii 1607

The Visitatioun of the Kirk of Rothemay

Convenit Mr Robert Howie Moderator Mr Georg Chalmer Mr James Duff
Mr Thomas Andersoun Mr Wm Reid Mr Alexander Barclay and Mr David
hendersoun

Mr William Reid teichit 2 Thessa. 2 cap ver 13 popular doctrin

The Eldaris of auld
James Abernethie in Cragheid
Patrick Livingstoun in Auldtoun
Alexr Abernethie in Claymyres
Thomas Murray in Corskellie
James Richardsoun in Auchinheiff
David Ruddach thair

The Eldaris that war eikit to the former
James Abernethie in Tillidoun
Thomas Abernethie in Auchincleych
William Fordyce in Auchinaiff

William Steinsoun in Mean
George Steinsoun thair
Alexr ailleis in Knachlan

The deconis

George Smyth in Auldheam
George Fordyce in Auchinheiff
Johne Ruddach in the Muir

All thir eldaris and deacins that war present being first informit of thair dewtie
be the moderatour give thair aith be halding up thair hand to god for faithful ad-
ministratioun and as for Alexr ailleis and John Ruddach quha war absent the pres-
byterie give power to the rest of the sessioun to admitt them at thair nixt meiting

Mr Alexr Smart minister being put furth and censurit be the eldaris and the
rest that war present is weill reportit off plain and sensible in his doctrin honest in
his lyff and conversatioun cairful and diligent in his office with the sessioun and
other poyntis of his dewtie The Presbyterie exhort him to continew

George Smyth collector of the almes and penalties continewit in his office to the
nixt visitatioun and ordaint that he sall have for his costis and in lack of his de-
bursements ane fornicators penaltie

Anent the vsing and bestowing of the Comon guid it is ordaint that sum thair-

off be imployit for making ane better licht in the South syd and waist gawell of the Kirk Item that the Kirkyaird dyk be put up sufficientlie with stean and faill befor the haruest cam on

Anent the ordinar catechising of the people ewerie Sabboth quhilk as yet hes not ben vsit It is ordaint that the paroch be dewydit in pairtes and that ane seperiate pairt be conwenit ilk Sondag efternoon if thai can be mowit therto and if not that the said catechising be vsit ther befor the sermon or than immediatlie efter the sermon befor the minister cam owt of the pulpit Item that the absentis from the Kirk on the Sabboth day be callit convict and punesit according to the Kings acte and siklyk that drinking and cursing and other profanatioun be stayit and that inquisition be tain of quho passes in pilgrimage &c Item that the myln be stayit from grinding on the Sabboth day at least be aeicht in the morning

John mylne Kirk officiar continewit in his office and admonesit for his sloathfulness in not executing the actis of the Sessioun and ordenit to bring in either payment of the penalties as he is orderit or than poyndis

26 July 1607

Inquisition being maid anent them that passis in pilgrimage Margaret Tailyor spous to Wm. brebner in Casteltoun was delaitit for passing in pilgrimage to Ordequhill ⁽¹⁾

23 August 1607

Anent John Crabbis testimoniall this day my lord of Murray my lord of [] my lord Saltoun and my lady being present with their companie Thair was collectit and gatherit nyne lib and vij sh quhilk was deliverit to the said Jn Crabb

3 Julii 1608

Item this day George Moresone in Carnehill drewe an sword at the kirk styll and hurt Johne Allane sclattar he being at the Sessioun and it is ordaint that the mater be schawin to my lady now in my lords absence and his bailzeis

14 Augt 1608

Anent Georg Moresone who drew ane sword at the Kirk styll and hurt Johne Allane in respect that he has satisfeit the said John Allane be giving him aucht merkes monie and becaus that the bailzie had convict him in ane vnlaw of ten lib

⁽¹⁾ [The General Assembly which met at Linlithgow in 1608, ordained, "That order be taken with the Pilgrimages, viz., the Chappell callit Ordiquhill and the Chappell of Grace, and to ane well in the bounds of Enzie."—Booke of the Universall Kirk, p. 581.]

monie as also in respect he had been wairdit in the plaice of Rothemay the Sessione craiwis na penaltie frae him of his geir bot ordanis him to mak his repentance publicklie on the stuill for good example to vtheris quhilk he did this day in humbill manner

14 May 1609

This day my lord and my lady the lady Kinfains and thair househald communicat &c

19 Julii 1610

Conpeared Issbell caroun quha was warnit to this day and confessit hir adulterie with andrew Murray in Coubardie quha had oftymes comittit the said fact of befor The presbyterie ordains her to be punesit according to the act maid at Botarie 24 of May 1603 yeiris vizt that the magistrat marke her with ane hot Irne and that she be banesit out of the boundis of Rothemay Strathbogie and Forge and this to be intimat to the minister of Forge

Sonday the last of Junii 1611

Anent the admonitiouns begun agains William Gordoun appearand of Benhew and his spous it is ordeint that thay be stayit becaus the said Wm has promesit to satisfie the Bischope at the Kirk of Rathven on thursday nixt

Thurisdai the 6 of Julii 1615

for the visitatioun of Rothemay

Convenit Patrick Forbes of Corss Mr Georg Chalmer Mr Wm Reid Mr Henrie Ross Mr Thomas Anderson Mr Alexr Fraser Mr Robert Jamiesoun Mr Robt Watsoun and William Edwarrd.

Mr Alex Smart Minister taucht &c

3 June 1616

[Anither visitation was held, when the absence of "the laird of Corss was excused being in the South."] The Pulpit not as yet being reformat for lack of comon good Is ordaint as yet agan to be maid new and the loft to be better filled with seatis Item that my Lord Ochiltreie⁽¹⁾ be urgit or els his doeris to mend the quoir be poynting of it in tym befoirr the winter cum on

(1) [Sir James Stewart of Killeith acquired the lordship of Abernethy in Rothiemay in 1613, and the title of Lord Ochiltree in 1615.]

Sunday the elevint and Sunday the 18 of May 1617

No Sessioun becaus that the Minister was suspendit for the mariage of the laird of Geicht with Dame Jean Abernethie lady Cariestoun (1)

6 July 1620

[A visitation was held when] Convenit the bretheren of the presbyterie of Straith-bogie accompaneit and assistit with Mr Wm Guile(2) Mr Walter Hay and Mr James Hay of the presbyterie of Tureef Mr Robt Burnet and Mr Andreow Logie(3) of the presbyterie of Gareache and Mr. John Ross of the Presbyterie of Aufurd for to hear the tryal of Mr. Robt Irving quha was presentit to the Kirk of Innerkeithnie

Mr Robt Irving taucht Ephes. 2 ver 8 and was allowit

Mr Alexr [Smart] being requyret anent his provisioun at this Kirk ansurit that he had the wicarege *ipsa corpora* with three hundreth and fyftie merkis yeirlie and the possessioun of the gleib and manse bot declaired that he had gottin no payment of the said three hundreth and fyftie merkis thir twa yeirs bygane unto the quhilk the laird of Rothemay ansrit that he wald pay him the said soum provyding that he micht have ane new tak with consent of the Kirk quhilk the bretheren present thocht reasonable

Septr 1626

Item it is ordeint that thrie horsse of ilk pleuch pas to the sclait heuch of Mayne to bring heam sclaites to the Kirk

14 Septr 1628

The Fast observed both befor and efternoone bot the Lady cam not to the Churche

28 Septr 1628

No Sessioun becaus of the Minister his being in Aberdene for the advysing with phisicians anent his seiknes

23 Novr 1628

Mr Robert Watsone made the Minister his funeral Sermone

(1) [The widow of Sir John Lindsay of Kinfauns and Caraldstoun. See above, p. 1. The Laird of Gicht was a member of the Church of Rome.]

(2) [William Guild, D.D., then minister at King-Edward, afterwards at Aberdeen.]

(3) [Parson of Rayne, and Archdeacon of Aberdeen.]

August 30 1629

Convenit Minister Mr Alex Innes⁽¹⁾ being the day of his []

8 Decr 1644

[The following entry occurs in the Register of Marriages : " Proclamed James Gordon of Rothimay with Margaret Menzies eldest lawfull daughter to Sir Gilbert Menzies of Pitfoddels."]

[The volume begining Sept. 23 1649 is entitled " The Boocke of Discipline of the Parochin of Rothiemay containing all that was done and acted either in Church or Seasioune Since the visitatione of the Kirk of Rothiemaye by the Presbytrye of Strabogye Sepr 19 Wedingsday 1649 Mr James Gordone being Minister thairat."]

May 19 1650

The sade daye a solemne thankesgiving was intimated to be the Lords daye immeadiatly followinge for the total defeit of the forfalte rebel and excommunicate traitor James Graham who had fallen in Kattness and was by Archibald Strathquhan Colonell to horse defeat at Cribstell⁽²⁾ Saturday 27 Apryl and himself 3 or 4 dayes after tacken prisoner

The Laird excused [from attending the Communion] in respect he was necessairlye gone Southe immediately befor anent his good brother⁽³⁾ who was killed at Crabstill

The Minister reported that he had requyred the ould Lady Rothiemay to communicate this yeare as he had done before that her excuse was as befor that she had a scruple in conscience and a grudge but was no papist and if that could be removed she would communicate The Sessione thought weel to cause acqwaynt some of the Ministry therewith that he and they might confer with her or if she continoued obstinat to acqwaynt the presbytery therewith

The Minister reported lykeways that the young lady Rothemay had showed him that in respect of the death of her brother young pettfoddells killed immediatly before at Crabstell she was so evill prepared that she earnestly desyrit not to be put to it in such a sadd distrais hed comen on her specially since not very long befor she had lost her Mother⁽⁴⁾ and another Brother who wer both perished at sea

(1) [He had been ordained minister of Inveravon about the year 1622. Shaw's History of Murray, p. 330.]

(2) [Corbisdale.]

(3) [His brother-in-law, Gilbert Menzies, younger of Pitfoddels, a gallant about twenty-two years old, who carried the royal Standard, and died in its defence, after thrice refusing quarter.]

(4) [The Lady of Pitfoddels. " About the beginning of July, one thousand six hundredth fourtie-eight, Lady Ann Gordon, Lady of Petfoddles, the daughter of John (sixt of that name) Earl of Southerland, perished by storme of weather, vpon the coast of Holland, as shoe intended to go into France, being bredd in the Romish relligion, vnder her

To which he replied that for this tym he would tolerate it tho he could not license it so she would give assurance to communicat *primo quoque tempore* which he said she did

May 26 1650

The saide day the new psalmes were intimated in the forenoon and begunne afternoone to be sunge

Junii 23 1650

The saide day the Minister made publicke intimatione that none should presume to have midsummer fyres under paine of being censured severly and order the elders to take notice of all that offere to have any

7 July 1650

[Note by the Clerk to the reader] Reader be pleased to know that all that is before the 14 of Julii is wrytten & copyed out of Mr Alexr Gordone his scrolles then Clerk which wer so unperfictly unlegibly & confusedlye & unjudiciouslye wryttne that scarce could I macke sense of them many materiall things such as sentencing of delinquentes forgotten the names mistakyn the delynquencye not expressed or not rightly expressed In a worde a rapsody so confused never came out under any clerkes hande and had it not ben that my memory serwed me to remember vpon most of the particulars whairby I was in pairt able to helpe what was amisse it had been impossible for me or any vther else for to have gottne any thing out of them That which follows is copyed out of the scrolles wrytten mostly by William Watt Clerke or rather Maister in our present want of a Clerke.

July 28 1650

The said day the fast solemnly kepted and the reasons explained by the Minister which are 1.....2 the approach of sectarian forces inwading 3 the distresse of gods people in Ireland and England 4 the hazard we ar in by malignants 5 little conscience made of solemne oaths and vowes & to pray god to protect us from Sectarians inwading 2 to have the launde purged from profanitye and from

grandmother, Jean Countes of Southerland; she resolved to go thither to inioy the free exercise and libertie thereof. Her husband, Sir Gilbert Menzies of Petfoddles, hade some yeares before travelled into France, in the beginning of our civill broiles in this kingdome and she did accompanie him thither, where she left some of her daughters to be bred. She was now going into that country to visite them, with one of her youngest sones, who perished with her. Besides many other passengers, there dyed in that ship two of the Earl of Winton his sones, and three of the Earl of Angus his daughters, by James Duke of Lennox his sister. The death of the Lady Petfoddles was generallie much lamented, being for beautie, iudgement, discretion, and religion (according to her profession) singular." Genealogical History of the Earldom of Sutherland, p. 542.]

malignancye 3 to show mercy to the King..... controversy with his fathers house & to blesse the general Assemblie

[There is another Fast on the 11th August 1650 for "a blessing upon the present expedition the army being now in the fieldis against the sectarians."]

Martii 23 1651

The saide day the Minister was absent preaching at the Kirke of Ruthven by ordinance of the presbytery for supplying Mr Robert Jamiesons vice who was directit to this Kirke for Receauing James Gordon of Rothemay to his publicke repentance for 2 accidental slaughters vizt of Kathrin Geddes in anno 1647 and henry percy in anno 1648 The which ordinance of the presbytrye was obeyed by the said James Gordone in all poyntes & he receaved in saklothe by Mr Robert Jamiesone Minister at Botarye delegat by the presbytry for this effecte

Martii 30 1651

The saide day the Minister inquyrit why James Lorimer had not come to the piller as befor it was reported by all the elders that he was gone awaye in the Laird of Rothemayes foote regiment

May 18 1651

The saide day David graye called and compeared having been called by the Minister at the examine to answer for his unreverent speeches at catechising of him complaining that the Minister examined him to hardly and that it was out of envye that he would leave catechising &c and his censure being referred to the presbytrye he was citted *apud acta* for to compear at the next presbytrye day immediately ensewing befor [] & the presbytry of Straboggie to be haultne at Botarye Wedingsday weeke. [On the 23d May he was sentenced "to stand at the piller foote in the Sacklothe till the Congregatione be content."]

Augt. 3 1651.

James Lenman stood in Sackloth *pro vigesimo tertio*

The Meeting quytte brocken upp this day by reasone that at the very tyme of ringing the third bells Ther came ane English Troope to the Kirk style commanded by Capt Robiesone one of Coll Morgans Captains of Dragoons which troop called upon the people to macke the quarter through the parochin And lett it be notted that till they were settled in our Paroshin which was not till some tyme afterwarde altho we never wanted a constant thicke quarter that the church was unfrequently kept The people grew slacke in observing the lordes day our haundes and discipline were now at the weakest The Sackloth wes tackne awaye and not long after this the stoole of repentance upon the very Lords day after

sermone tumultously throwne downe by the English souldiours and scarcely had we qwyetnesse in the publick worshipp so that for long tyme after this our forme of discipline was but a shaddow of what it had beene some years befor

Decr 14 1651

No sessioun everye body being taken upp at the qwarteres and no discipline at all.

Decr 28 1651

No meeting this day by reason that 2 days befor the Minister was gone to Abd to deale with the English Commanders for the release of his brother in law Mr James Gordone of Rothemaye prisoner at this tyme in yorke Having been one of the Collonels of the Kingis army that entred into Englande as also the Minister having gone to deale for freeing his house from a heavy quarter of English Souldiours which had constantlye lyved with him since ther entrye to the paroshin and wer resolved to continew so all winter.

Feby 8 1652

[Several of the common people are accused " of drinking with the English soldiours during sermon in Alehouses."]

May 16. 1652

Absents from the session last day questioned and excused The said day the Minister reported How that the last Lords day at night Mr James Richardsons Schoolmaister entred his house drunke about nine o'clocke at night nor would remoue for nothing that could be saide to him but insisted craving his bygone fees from the Ministers wyff and when she putt her hande to him to bidd him be gone & leave her to go to bedde since the discourse was neither proper for that day nor was it she but the session from whom he was to seik his arrears but that the best he made of it was to strike her about the eares with his gloves giving her some light contemptible language whrupon she calling for her 2 maide servauntes bade them remove him out of the Roume but doe him no hurt which he so far neglected as that falling upon one of her serving women named Beatrix Greenlaw the said Mr James did dashe her face violently against the stony ground to the great hurte of the womans heade and wounding of her face in many places That it was very weall knowin that the said Beatrix was as discreet a servaunt every way as any in the country which was a great presumption against him specially since all the yeare before the said Mr James had been often scandalouse by drinking drunke and squabbling with the souldiours by playing at dyce to the losse of all his money nay his very shirt That for many follys and miscarriages of this

kynde he had been often rebooked privatly lykeways in presence of some of the pryme elders to whom all thir things wer as weall known as to the minister that the Minister had with greate suffering and mecknesse sought to reclaim him but finding that he hald added this last Insolencye unto his former continued miscarriadges he had upon Monday last called the neighbour Minister Mr Johne Richardsons whoise helpe he had asked for tryall and examination of the businesse and the said James not being able to apologize for himself was advysed by him the said Mr Johne Richardsons and by him the said Mr James to demitt his charge willingly and begone otherways he would call him to a publicke accompt for all byganes That the said Mr James Richardsons in consideration of all this had removed himself The Sessione approved his demissione and an ordinance past for to seike out for a new Scoolmaister

Martii 27 1653

The saide daye lykeways it was related by the Minister that he was certainly enformed that a Man and Woman who wer bringing of stoare out of Straboggie launde to the English garesone in the Castell of Rothemaye wer tacken in the very act of filthinesse on the waye syde within the dycke of the woode of Rothemaye and it was ordainet that all the Elders should doe ther devoir for to seye out who they wer or whence they had come

April 10 1653

Delatet Margaret Wilsone & Margaret Watt servantes to the Lady Rothemaye elder for scandalouse carriage with the English souldiours quartered in the Castell ordained to be summont to next Session

[The soldiers with whom they were supposed to be guilty were " Francis Saltfoord serwaunt to Capt Robt Kirkby and John Ouler servant to Robt brounlye in Capt Colchetts troop"]

The said day called and compeared the young men of Turtorye delaitit for foote balling on the Lords daye who confessit their fault

June 13 1653

The saide day upon report of miscarriage by penny brydalls in the Paroshin Beroald Innes of Turtorye was directed Comissoner to the next presbyteriate Meeting to heave the businesse discussed

Septr 11 1653

Non Sederunt & Note further that by reasone of the Ministers seiknesse befor this tym & at this tym he having gone to Abd to consult with the doctar as also

after this tym till neer Mertimesse all catechising was discontinued and sometimes Scottish sometymes English preachers wer employed

Feb 25 1657

The said day in presence of Mr James Gordone Minister of Rothimaye compeared Alexander Gray in Caldham and has bound and obliged himself with hand lifted upp that he sall get be hert against Witsonday next the [Shorter?] Catechisme presently in use and that under pain of 10 mark *ad pios usus* of the Paresh in case he failzied in the forsaid obligation in ratification wherof he has holdin upp his hand & touched the pen befor the above mentioned & Mr Robert Gordon Clerk to the Session & the forsaid Alexr his given power to me the writer hereof to subscribye for him Alexr Gray

Septr 19 1669

This day compeared befor the Session of Rothimay Mr John Cuming and undertook to serve as schoolmaister & Session Clerk for the space of a year for which service the Minister & elders in name of the Pareoch obliged themselves that he should have a firloft meall of every plough of the pareoch and ten merk quarterly out of the Session Box

May 1 1670

Being arisen from chyld bed compeired Agnes Kellies who being questioned who was the Father of hir chyld and being confronted with James Gray whom she averred to be the Father of it declared judicially that she had no other Father of the chyld save James Gray & to this purpose did name tyme & place when & where she had defyled herself and offered to swear publickly befor the congregatione upon the child's head that she knew no other Father to the chyld bot the said James & also James Gray offered to purge himself by oath before the congregatione that he had not knawin Agnes Kellies since the last tyme he had satisfied for his fall with her which he was appoynted to doe the next Lords day

April 23 1671

Mr Wm Logie Student in Divinity & Schoolmaster of Slaines by his own consent the Minister Wadsetters present & elders of the Session of Rothimay in name of the parioch of Rothimay & for themselves nominated & chose to be Schoolmaister at Rothiemay Session Clerke precentor for which service he is to receive all casualties and stipend usit and wont & particularly a firloft of victuall or twenty shilling out of every plough of the parioch ten merk quarterly out of the box ane shilling sterling of the marriage of every one & four shilling for every baptisme

ane merk of every scholler within the parioch & twenty shilling be them without the parioch with fourtie pennies Scots for every testificat Lykewayes the Minister & elders oblyge themselvis to repaire the schoole sufficiently with the first conveniency

Aprilis ulto 1671

No Sermon nor Session by reasone of the Ministers seiknes Bot the Clerk did read to those that were presentlie convened

May 21 1671

Sermon by Mr John Maitland from Inverkeithny

28 May 1671

Mr Wm Chalmer from Gartly taught

June 11 1671

Mr Alexr Youngsone Minr Reiny taught

Octr 1 1671

No Sermon nor Session no convention of people by reason of the extream intemperancy of the aire

Decr 31 1671

The Minister and elders being conveyed in Session after Sermon with prayer Being summont & callit compeared George Rosse who being questioned if he callid James Watts wyffe a witch confest he calt her a canny woman the occasion was this the said George having his cornes cutt in several places near James Watts house Door desyred James Watt to have a caire that his wyffe doe no harme to him or his cornes Being asked by James Watt what he meant by such words George Rosse answered his wyffe was callet a canny woman To quich James Watt answered that she was honeste than himself & upon that offered to draw a Durk to Georg Rosse who answered him it was ane untruth he said for his wyff was known to be a witch to quich James Watt replied he was a lyar & could not prove that This is the summe of Georg Ross his deposition It being found that Georg Rosse had spoken what James Watt accused him off it was appoynted that James Watt should have his peane restored having proved by Georg Ross his own confessione the contents of his Bill Georg Rosse being farther questioned if he had any author or debtor for what he spoke Replied he had not any particular persone quhom he could pitch upon by another Bot that it

was *fama clamosa* it was given to the said Georg till that day fortnight to find a debtor and was summond *apud acta* to be present the said day

Oct 27 1672

The said day it was represented to the Session that James Gordone appearand of Walkmill Did fyre a pistoll at the church stile at Johne Gordone of Avachie upon the Lords day Oct 20 imediatlie after Sermon quhairfor the Minister promised to acquaint the Bishop with this ryott and ask his advyce quhat should be done in the Busines as to his satisfaction

[The Bishop advised "to cite him before the Session to give an accompt of it and if he wer contumac to convene him befor the Presbytery"]

May 15 1673

Thursday The said day My Lord Bishop of Murray with the Presbytery of Strathbogye wer present at the Church of Rothiemay and did visit the same Sermon by Mr Alexr Youngsone Minr at Rhynie

May 23 1686

The said day Master William Hay Assisstant to Master James Gordon Parson at Rothiemay preached

Sepr 26 1686

The said day the Minister Master James Gordone dyed and a funerall sermon preached by Mr Wm Hay October the fourth.

APPENDIX TO THE PREFACE.

NO. V.

EXTRACTS FROM THE TOWN COUNCIL REGISTER OF ABERDEEN.

16 October 1661

Sederunt Gilbert Gray provost Robert forbes master Robert patrie Gilbert mollysone baillies Doctor James Lesly John burnet John smith Georg Leslie William diwie Georg Wilsone gilbert black James Rolland Robert burnet Georg dauidsone Patrik murray Patrik norie

The said day The Counsell taiking to consideratioun That Master James gordon minister at Rothemay haid beine at great paines in draughting upone ane meekle cairt of paper this burghe and fredome and other parts adjacent neir therto which he haid this day delyverit to the Counsell weill done Tharfor in token of thair thankfulnes ordanis the deane of gild to buy or caus maik ane siluer peece or cup wechtand tuentie vnice and to buy ane silk hatt and delyuer to the said Mr James with ane silk govyn to his bed fellow quhairanent thir presentis to be warrand.

26 March 1662

The said day The Counsell ordainis the magistrats to delyuer to Robert burnet who is now goeing to holland the draucht and plane of this brughe and fredome and others thairin exprest drawin upon paper with pen and ink be Mr James gordon minister at Rothemay and the said Robert to advyse in holland what way and at what rate the said draucht sall be most handsome and convenientlie done and to aquant the Toune thairwith quhairanent the magistrats ar to instruct the said robert

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OF
SCOTS AFFAIRS.

THE ARGUMENT.

THE ARGUMENT.

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HISTORY
OF
S C O T S A F F A I R S .

THE SECOND BOOKE.

HISTORY OF SCOTS AFFAIRS.

THE SECOND BOOKE.

THE beginning of my work shall be at the remarkable popular tumult, which fell out in Edinburgh, on the Lord's day, July twenty-third, in the year 1637, which was the first day that the Service Booke began to be read in the High Church of that city; for it was this day whereon the popular discontentments began, without any more fear, for to discover and unmask themselves. For as it is usually seen, when an quantity of combustible matter is laid together in an heap, if fire be put to, it breaks forth quickly into an dangerous and hardly quenchable flame; so the attempt of reading the new Liturgy in publick, brought with it a sparkle big enouche for to kindle the heterogeneous materials, which, by many hands of such as aimed at very contrary ends, were thrown together by a fatal conjunction, enouch for to reduce Church and State into ashes. What these distempers, in the politicall body, were; as also, what gave occasion to the following alterations thereof, and of the Church, has been reflected upon, by a large enquiry in the former Booke; that hereafter, I may be rid of the trouble of much repetition; and the reader, by help of such an Introduction, may have no just reason to quarrel at a multiplicity of digressions. Thus then, with God's help, I enter the threed of the following relation.

A.D. 1637.

I. After that the Service Booke had been corrected at London, specially by the advice and oversight of William Lawd, Archbishop of Canterbury, it was sent down to Scotland, and printed in a large folio at Edinburgh; (1) The New Service Booke enjoynd upon pain of Horn-ing;

(1) [The Booke of Common Prayer, and Administration of the Sacraments. And other parts of divine Service for the use of the Church of Scotland. Edinburgh, Printed by Robert Young, Printer to the King's most Excellent Majestic. M.DC.XXX.VII. *Cum Privilegio.*]

A. D. 1637. and in the frontispiece thereof, there were likewise prefixed the print copies of Letters of Horning, of the date December twentieth, 1636, whereby all Ministers within Scotland were commanded to make use of the said Service Booke and read, or cause it publickly be read, in all parioch churches within the kingdom ; and the publick reading of it, by all, to begin the next Pasch or Easter following, in the year 1637 ; and that every Minister should buy two copies thereof, for the use of his parishin ; and all this under pain of being denounced rebels whoever refused.

and a set day
prefixed for
all Ministers
to read it.

II. The day was prefixed by the King's special appointment, that he might forsee what probable opposition that Liturgy was like to meet with ; but afterwards, upon further considerations, the publick reading was delayed by his warrant untill the twenty-third of July, 1637 ; to the end that the Lords of the Session, and others who had any law business, might see the success, before the rising of the summer session, which rises August first ; that so upon their return to their several countries there might be a report of the receiving of the Service Booke at Edinburgh : And it was ordered that on that Sunday, the book should be read only in the churches of Edinburgh and those which were next adjacent. And because, it should not be read that day neither, unexpectedly, a warning was first printed and then published, in all their several pulpits, the Sunday immediately before, that the next Sunday the new Service Booke was to be read.

Some of the
Bishops cause
read it ; and
some Minis-
ters preach
for it.

III. In the meanwhile some of the Bishops, that by their example they might beginne the practice, and commend it to others, fall to reade it before Pasch, 1637, which was the first day appointed for publick reading thereof ; being sure, that the antedating the obedience to the order, would be far from a breach thereof. Of these were John Maxwell, Bishop of Ross,⁽¹⁾ and the Bishop of Dumblane, Dean of the Chappel royal of Halyroodhouse ;⁽²⁾ who, by so doing, did but lay by the English Liturgy, which had been read publickly there for several years past, and take up the same in a new edition and impression. Several preachers had in their sermons commended it unto the people ; amongst whom was Mr. Hary Rollock, Minister

⁽¹⁾ [Dr. John Maxwell was consecrated Bishop of Ross during the King's visit to Scotland in 1633. In 1640, he was translated to the Irish see of Killala, and in 1645, was raised to the Archbishopric of Tuam. He died at Dublin on the fourteenth of February, 1646.]

⁽²⁾ [Dr. James Wedderburn, a native of Dundee, was preferred to the see of Dunblane in 1636, and died in England in 1639. The Deanery of the Chapel Royal, formerly attached to the Bishopric of Galloway, was annexed to that of Dunblane by King James VI.]

at Edinburgh⁽¹⁾ who both in a sermon preached by him at a synod, held at Edinburgh, before the Bishop of that diocese, and in his sermon on the Sunday of intimation of the reading the Service Booke the next Sunday, did highly magnify the said Service Booke; altho that shortly afterwards he changed his note and was one of the chief who spoke against it.*

IV. Others of the Bishops dealt with the provincial synods to accept of that book, to whom answer for the most part was given, that they could not consent to so notable a change of the divine worship without great deliberation; and that it was not just for to obtrude a matter of so great consequence upon the Church, against its approbation or consent, either sought or obtained in any national synod of the Church of Scotland, to whom only the determination of matters of this kind was competent: that ecclesiastical canons had never been enacted but in synods; which was a truth confessed and maintained both by Lancelott Andrews the learned Bishop of Winchester in his sermon concerning the right and power to call assemblies; as also, by Dr. Bilson; and that it was therefore equitable that the whole business should be canvassed in a general assembly of the Church.

V. This answer was diversely taken: for some of the Bishops had little liking to national assemblies as small friends to their power. Others of them spoke out, in more downright terms, that the power of making canons did belong to them only, as the Church's representatives; and that it was the part of all the Ministry, either several or convened together, for to obey. Yet in some provincial synods, a breathing time was granted to the Ministry, untill October, 1637; particularly to the Ministers of the diocese of Edinburgh, but this permission was countermanded by the King, by the procurement of some of the Bishops, as it was thought; by means whereof, the breathing time was contracted unto the twenty-third of July foresaid.

(1) [This sermon is alluded to by Principal Baillie. See his Letters, vol. i. p. 4. The author died in 1642. Spalding, in noticing that event says—"Mr. Henrie Rollok one of the ministeris of Edinbrughe depairtit this lyf confessing frae his hairt that his Majestie was cruellie subdewit and borne down by his own subjectis as wes reportit; for the quhilk he gat small convoy to his grave by the puritans of Edinbrughe."—History of the Troubles, vol. ii. p. 56; edit. Edinb. 1829, 4to.]

* Mr. Hary Rollocke was but lately before designed successor to Mr. Andrew Lamb, Bishopp of Galloway (this designatione is commonly called *gratia expectativa*) but the rest of the Bishoppis tooke it so ill that they used meanes to gett that designatione to his succession in the bishopric of Galloway rescinded. The occasion wherof had been Mr. Andrew Lamb's age and his blyndnesse. However Mr. Hary Rollock was for a whyle so confident therof that he was ordinarily called 'My Lord' albeit a Minister, but afterwards his hopes of succession being discharged, he did turne enemy to King and Bishoppis.

A. D. 1637.

It is urged
in synods;

who seek
time to ad-
vise upon it;

A.D. 1637.

after the
King had
given time
so to do.

VI. Yet it is not to be forgottne, that albeit the King had caused pre-
fixe Letters of Horning to the Service Booke, neverthesse he did lyck-
wayes send along to Scotland certaine instructions and directions to the
Bishops signed with his hande; amongst the which one was, that, notwith-
standing he had now established the Service Booke by authoritye, yet they
should proceede with all moderatione, and dispense with such for the prac-
tise of some things contained in the booke as they should fynde either not
weall perswaded of them or willing to be informed concerning them or did
hope that tyme and reasone might gaine to a better beleefe of them. But
these instructiones were not printed in the beginning of that booke as the
Letters of Horning were. But it is not to be presumed, that the King
expected, that so much tumult would ensue as followed; for such as desyred
it most, did keep upp from his knowledge all the appearance of any com-
motione; and such of the Bishops as were most earnest for conformitye with
Englande, measuring the consequences of imposing of this Leiturgye by the
successe that Perth Articles and their power had been introduced with, in
the last part of King James's raigne, either did slight present grumblings
of the stricter sort of the Ministry or people, as of little importance, or
presumed their pairty amongst the Clergye to bee either greater or more
constant then it proved, or numbered such as were dissaffected to the Lei-
turye and other alterations, rather by ther speech then ther silence. And
for the King his want of information, there was presumptione that it would
be weall tackne, being that many of all rankes of people of the Scottish na-
tion ever since the yeare 1603 had peacably in England frequented the
English service of ther owne accorde, which if they conceived anti-christian,
no municipall law nor variatione of tyme or place could warrante them to
doe, with a good conscience. Next, it is to be knowne, that the English
Service Booke had been dayly readde in the chappell royall of Edinburgh
from the yeare 1617; and to that service in the chappell there had been a
dayly resorte of the Councell, Nobilitye, Gentrye, Bishoppes, Ministers,
Burgers, and women of all ranks. And the Bishoppes, whilst they gave
Orders to Ministers, did use the English Service Booke. It had been used
for some yeares or tyme before, in the New Colledge of St. Andrews,
without quarrell. At the King's being in Scotland, wherever he was pre-
sent at divyne service, it was readde anno 1633. And in many of the places,
not a few of those who afterwards tooke great exceptions against it, were
present without shewing any dislyke therunto. And lastly, he little pre-

sumed, that a Leiturgye, composed and framed, for the cheife materialls therof, as weall as the forme, by the Englishe Bishopps, (who in Queen Mary of England's dayes had suffered Martyrdome for opposing poperye and by all reformed churches, evne that of Scotland not excepted, were holdne for such,) could be quarelled at as popishe, by any sober knowing professor of the reformed relligione. But the event proved the mistake.

A. D. 1637.

VII. For on the twenty-third day of July, 1637, being Sunday, according to the publick warning givne, the Lord's day before; the Service Booke was begunne to be readde in Edinburgh in St. Gyles church commonlye called the greate church, where many were present of the Councell (as ther custome was to bee) as also the Archbishops and diverse Bishopps and the Lords of the Sessione with the Magistrates of Edinburgh and a very great auditorye of all sorte of people, wherof not a few flocked thither to be spectators of the noveltie, as also to remarke the evente of the actione. But how soon as Dr. George Hanna, Deane of Edinburgh, who was to officiate that daye, had opned the Service Booke, but that a number of the meaner sorte of the people, most of them waiting maides and women,* who use in that towne for to keepe places for the better sorte, with clapping of their handes, cursings and outcryes, raised such ane uncoth noyse and hubbub in the church, that not any one could either heare or be hearde. The gentlewomen did fall a tearing and crying that the Masse was entred amongst them, and Baal in the church. There was a gentleman who standing behynde a pew and answering Amen to what the Deane was reading, a she zealott hearing him starts upp in choller, Traitor (saies she) does thow saye Masse at my eare, and with that struke him on the face with her byble in great indignation and furye. The Bishopp of Edinburgh, Mr. David Lindsey⁽¹⁾ (who had come that morning sooner then his ordinar tyme, it being his intentione to countenance the *intrado* of this new Leitanie with his presence; and after the service performed, being about to preach) stept immediatly into the pulpitt, above the Deane, intending to appease the tumult, mynding them of the place where they were, and intreating them to desiste from profaning it. But he mett with as little reverence (albeit with more violence) as the Deane had founde; for they were more enraged and beganne to throw at him stooles and ther very bybles, and what armes were

The people make a tumult at the first reading of it in Edinburgh in the church.

* The report goes that in these tumults ther wer some men in women's clothes.

(1) [Dr. David Lindsay was promoted to the see of Brechin in 1619. He was translated to that of Edinburgh in 1634, and died in England during the Great Rebellion.]

A.D. 1637. in the way of furye. And it is reported, that he hardly escaped the blow of a stoole, which one present diverted from twoching the Bishopp. Nor were ther tounge idler then ther handes. Upon this John Spottswood, Archbishopp of Saint Andrews, then Lord Chancellour, and some others, offering for to assiste the Bishop of Edinburgh in qwyeting the multitude were made partners of the suffering of all these curses and imprecations which they beganne to pray to the Bishoppes and ther abettours. The Archbishop of Saint Andrews, fynding himself unable to prevaile with the people, was forced to call downe from ther gallerye (a loft where they uswally sitt) the provost and baillies and others of the towne councell of Edinburgh, who at lenth, with much tumult and confusione, thrust the unruly rabble out of the church and made fast the church doores.* The multitude being removed,

* It is reported in the Large Declaration⁽¹⁾ (page 31) that thes actors were "afterwards magnified for the most heroicall sparkes that ever God inspired and raised upp in this last age of the world, and though they were but asses, yet they were cryed up for having their mouthes opened immediately by God, as the mouth of Ballaam's asse was, to the upbraiding of all the rest of the land" who should have cryed as they did; and that ther memory should be had in everlasting remembrance. Lyckwayes "that God moved the spirit of these holy women to scourge the buyers and sellers out of God's house, and not to suffer the same to be polluted with the foule Booke of Common Prayer;" that one Minister gave his blessing to them in thes words—"My blessing light upon you all my deare birds."—See Lysim. Nican., pag. 73, 74. [The Epistle Congratulatorie of Lysimachus Nicanor of the Societie of Jesu, to the Covenanters in Scotland. Wherein is paralleled our sweet harmony and correspondency in divers materiall points of Doctrine and Practice. Judg. v. 23; Curse ye Meroz (said the angel of the Lord) curse ye bitterly the inhabitants thereof: because they came not to the help of the Lord, to the help of the Lord against the mightie. Jer. i. 10; See, I have this day set thee over the Nations and over the Kingdomes, to root out and to pull down, and to destroy, and to throw downe, to build and to plant. Anno Domini M.DC.XL.—This work has been often attributed to Dr. Henry Leslie, Bishop of Down and Connor, and to Dr. Maxwell, Bishop of Ross; but little doubt can be entertained that it was written by John Corbet, minister of Bonhill, in the Lennox. This clergyman sought refuge in Ireland from the enmity of the Covenanters; and was there murdered by the Romish insurgents. For obvious reasons, the author of the treatise concealed his name. His opponent Baillie, in "A Postscript for the personate Jesuite Lysimachus Nicanor," appended to his "*Ladensium avonatanensis*," addresses him thus:—"But whoever you be, whether Leslie, or Maxwell, or Mitchell, or who else of the faction (for as now the report from Ireland goes, the Booke hath not any one certaine Authour, but the matter of it collected by sundry, was disposit and put in that shape by Bramble of Derry) certainly yee are a merry man in a very unseasonable time." From this passage it would appear that,

(1) [A Large Declaration concerning the late tumults in Scotland from their first originals. Together with a particular deduction of the seditious practices of the prime leaders of the Covenanters collected out of their owne foule acts and writings. By which it doth plainly appear that Religion was only pretended but nothing lesse intended by them. By the King. London. Printed by Robert Young, His Majesties Printer for Scotland. Anno Dom. MDCXXXIX. This work has been universally, and apparently with justice, ascribed to Dr. Walter Balcanquhal. This divine was a son of a Scottish minister of the same name, distinguished by his opposition to King James VI. Dr. Balcanquhal was in 1624 appointed Dean of Rochester, and in 1639 Dean of Durham. He died at Chirk Castle in Denbighshire, on Christmas day, 1645.]

the Deane falls againe to reade, in presence of the better sort who stayd behynde: but all this whyle, thoise who had been presently turned out of doors kept such a qwarther with clamours without and rapping at the church doors and pelting the windows with stones, as that the Deane might once more be interrupted: this putt the baillies once more to the paines for to come downe from ther seate againe and interpose with the clamorouse multitude without for to macke them qwyett who were without doors. In the midst of these clamours, the service was brought to an ende but the peoples fury not whitte settled; for after the Bishop had stept up into the pulpitt and preached, and the congregacione dissmised, the Bishop of Edinburgh reteiring to his lodging not farr distant from the church was instantly invironed and sett upon with a multitude of the meaner people, cursing him and crowding about him, that he was in danger of his lyfe and to be trodne downe amongst the people;* and having recovered the staires of his lodging, he no sooner beganne to goe up, but he was pulld so rudly by the sleeve of his gowne, that he was lycke to have fallne backwards. Nor was he in more securitye, having gottne to the topp of the staires; for the door he did fynde shutt against him, and so was at a stande, lyckly to have been oppressed, had not the Earle of Weems, who from the next lodging saw the Bishop in daunger sent his servaintes for to rescwe him, who gott him at last, almost breathlesse, and in much amasement, into his lodging.† That morning,

A. D. 1637.

besides Doctors Leslie and Maxwell, the tract was ascribed to David Mitchell, one of the ministers of Edinburgh, afterwards Bishop of Aberdeen, and to the learned Dr. Bramhall, then Bishop of Derry, afterwards Primate of all Ireland.]

* Non pavidum jam murmur erat, nec pectore tecto
Ira latens: nam quae dubias constringere mentes
Causa solet, dum quisque pavet quibus ipse timori est,
Seque putat solum regnorum injusta gravari,
Haud retinet.

Lucan. lib. v. 255-259.

† See the Ansuer of the three Ministers to the Doctors of Aberdeen ther queries Ansuer to 12th query.(1) Hardly (say they) can a zealous people assembled in a Kirke for the wor-

(1) [Generall Demands concerning the late Covenant; Propounded by the Ministers and Professors of Divinity in Aberdene to some reverend Brethren, who came thither to recommend the late Covenant to them, and to those who are committed to their charge: Together with the Answeres of those reverend Brethren to the said Demands: As also the Replies of the foresayd Ministers and Professors to their Answeres. Aberdene, Reprinted by John Forbes, Anno Dom. 1662. Some copies of the same edition have a different title page, and the date 1663.—See Irving's *Lives of Scottish Writers*, vol. ii. p. 49. It is generally supposed that the republication of this work was ordered by Parliament; but this seems to be a mistake, arising probably from the fact that, on the 12th July, 1661, the Parliament, on the petition of "Mr. Robert Forbes, professor of Philosophy in Marischall Colledge of King Charles vniversity of Aberdeen," granted him, for ten years, an exclusive privilege of printing and selling the work. (Acts Parl. Scot. vol. vii. App. pp. 81, 82.) The papers by the Doctors are subscribed by John Forbes of Corse, D.D. Professor of Divinity in the King's College; Alexander Scrogie, D.D. minister at Old Aberdeen; William Leslie, D.D. principal of the King's College; Robert Baron, D.D. Professor of Divinity in the Marischal College; James Sibbald, D.D. minister at Aberdeen; and Alex-

A. D. 1637. lyckwayes, the Service Booke was readde into the church next St. Giles church, with noyse and tumult, but no so greate as in the other church. In the Gray Freers church, Mr. James Fairly elected⁽¹⁾ to be Bishop of Ardgylle (being colleague to Mr. Andrew Ramsey⁽²⁾ who refused to reade it) beganne to reade the booke; but he was so cursed and exclaimed against, that after the reading of the Confessione and Absolutione, he was forced to give over. In the Colledge church, Mr. Hary Rollocke, one of the Ministers of Edinburgh (albeit it is reported that, the day befor, at the intimatione of the reading of it, he had commended it) did delaye to reade it altho he had undertackne so to doe; heerin bewraying more prudence then the rest, tho' greater levitye.

Councell
conveens
betwixt ser-
mons for to
settle the up-
roar, in vain;
for it begins
anew

VIII. The fornoon thus past, the Chancellor⁽³⁾ and such of the King's Councell as wer in towne for the tyme, assemble at the Chancellor's lodging, betwixt the fornoon and afternoone's sermone, to consult about the prevention of the lycke sturres in the afternoone; to which pourpose they called for the provost and baillies of Edinburgh, who, at the command of the Councell, undertooke for to doe ther outmost endeavour for the peacable reading of the Service Booke in the afternoone; which was accordingly performed, so that the booke was reade both in the greate church of Edinburgh and the other churches of the towne without any such hubbub or disturbance as it had mett with in the morning. But the incensed mul-

shipp of God be kept from tumult when bookes and a worshipp which they either know or conceive to be popish are suddenly and imperiously obtruded upon them by the leaders and how farr the keeping of the Materiall Kirkes from pollutione of worshipp belongeth to the people and community of the faithfull should be considered.—[Edit. 1663, pp. 29, 30.]—And in the second Answer, the keeping of God's house from pollution and superstition belongeth to authoritye, and the Community of the faithfull, and to evry on in his owne place and order.—[Ib. p. 62.]

(1) [According to Keith, Fairly was *consecrated* Bishop of Argyle on the 15th July, 1637.]

(2) [Andrew Ramsay, a poet whose Latin verses bear a very high character, was one of the ministers of Edinburgh, sub-dean of that diocese, and at one time Professor of Divinity in the University. He was deposed by the General Assembly in 1648, on account of his "malignancy."]

(3) [Archbishop Spottiswood.]

ander Ross, D.D. minister at Aberdeen. The Answers to the Demands of the reverend Doctors are subscribed by Alexander Henderson, minister at Leuchars; David Dickson, minister at Irvine; and Andrew Cant, minister at Pitalgo. The second paper of the Brethren bears the signatures only of Henderson and Dickson. Middleton, in his Appendix to Archbishop Spottiswoode's History, says that Dr. Baron "bare the greatest share of that famous Debate, Anno 1638, between the Doctours of Aberdene and the Covenanters."—(p. 29.) On the other hand, Bishop Sage, in a letter to Bishop Gillan, dated 9th March, 1702, remarks, that "the demands, replies, and duplys of the Doctors of Aberdeen, as I was informed when there, though subscribed by six, wer all formed and digested by Dr. Seely [Lealie], Principall of the Old Town Colledge."—Maidment's Catalogues of Scottish Writers, p. 131. Edinburgh, 1833.]

titude wer as yet so litle satisfeed (tho' they offered not to disturbe the church) that how soone the meeting was dissolved, they assault the Bishopp of Edinburgh with a fresh charge of ill langwage and execrationes; and the Earle of Roxburgh's⁽¹⁾ coatche, where the Bishopp was sitting in company with the Earle, fared so ill, as that they beganne to lett flye volleyes of stones at it and pressed so hard upon the said Lord Privye Seale's coatche, that if his footemen had not, with ther swordes drawne, kept off the enraged multitude, such as wer in the coatche had been in some daunger of ther lyves for the Bishop's cause; but at last having continwally bickered along the street, they with trouble enouch gott to ther lodgings.

A. D. 1637.

IX. The worke of this day was diversly consterd acording unto the fancies and passions and interests and suspitions of the spectators and hearers; for ther wanted not who looked upon it as ane acte of fervent zeale for the maintenance of the puritie of relligione, altho' faulty in circumstaunces; and it was beleevd that the multitude, who acted had mor then a bare connivence of many of the better sort to sett them to worke, and it was reported (how truly I determine not) that ther wanted not some men cladd in women's attyre who asisted to the storming of the Bishop and the coatche. Others thought that it was ill done by such ane unruly oppositione to profane the Lord's day and the Lord's house and violate the persones of church men in the church, and whilst they were officiating and going about the duty of ther calling, and this way for to contemne the authoritye of the supreme magistrate; Thus, as it wer with one blow, stricking at and trampling under foote all reverence to things divyne and humane, and the actors no better then the ignoble multitude.

by base people and disguised.

X. The next day, being July twenty-fourth, 1637, the Councell againe does assemble and did putt forth a proclamacione in detestatione of the former daye's uproare, discharging all concurses of people and tumultuouse meetings in Edinburgh under paine of deathe; and thither came the Magistrates of Edinburgh, professing to the Councell ther detestatione of the past tumult; and with all they did apprehend some persones, suspected to be most fordward in it, wherupon, by acte and order of the Councell, July twenty-sixth, the Magistrates of Edinburgh were appoynted to assemble the towne's councell of Edinburgh the next day, July twenty-seventh, be eight a clocke in the morning, for to resolve what course they thought fittest to

Councell
sit again;
July 24.

July 26.

July 27.

(1) [His Lordship was then Privy Seal.]

A. D. 1637. fynde out both the movers and actors of the past uproare, and immediatly thereafter to report ther diligence and resolutiones therin to the Privy Councell; which was accordingly performed, in a measur so far satisfactorye, as that, withall, offer was made by them at that tyme, for to asiste the qwyett establishing and reading the Service Booke in the towne churches.

To whom
the citizens
of Edinburgh
enact them-
selves to get
it peaceably
read;

July 28.

August 6.

XI. But the Ministers of Edinburgh, loath to undertacke the reading of it without securitye givne for the safety of ther persones, occasioned the Lords of the Councell by ther acte, July twenty eighth, 1637, for to order the provost and baillies of Edinburgh and the towne's councell, for to advyce how ther undertackings might be really performed. This was acorded unto; and particularly, they did agree, that since the former Readers in ther severall churches had refoosed to reade the booke; if the Ministers themselves would reade it, they should provyde for ther safetie; and when new Readers wer provyded, they should lyckways provyde for ther safetie and maintenance; and in order to the performance heerof, ther was an obligatory acte drawne upp by Sir Thomas Hope, the King's advocate, and reade befor the Councell to the Magistratts of Edinburgh, August sixth, 1637, to which they condescended; and the tenth of August, the foresaide acte of indemnitye being exhibited befor the Councell, it was allowd by them, and accordingly entred upon the records of the Councell, as ane acte therof: And the Magistratts of Edinburgh did lyckwayes directe two particular letters to England, unto William Lawd, Archbishop of Canterburye, the first of the date Edinburgh, August nineteenth, 1637, wherein they regrated the tumult that had fallne out at the reading of the Service Booke, of ther innocencye whairin, they appeald to the testimony of the Councell; that since that tyme, they had concurrd with their Ordinary and the Ministrye, for settling the Service Booke; as the Earl of Traquaire⁽¹⁾ and the Bishoppes of Galloway⁽²⁾ and Dumblane could testifie, who had tane great paines for that ende: and altho ther cittye wes but poor for the tyme, yet they had not been wanting to offer good meanes to such as would undertacke the service, and should be ready for to approve themselves loyall subjectes to ther prince; and further they doe give his Grace assurance of obedience on ther pairte to that purpose. Therefor they desyre his Grace

(1) [Then Lord Treasurer.]

(2) [Thomas Sydserf was promoted to the Bishopric of Brechin in 1634, translated to that of Galloway in 1635, and to the see of Orkney in 1662. He was the only surviving Scottish Bishop at the Restoration, and died at Edinburgh in 1663.]

to assure the king on ther pairt, whatever any other should suggest to the contrarye: and this they would accept of as a favour from his Grace, and would expresse ther thankfullnesse, whenever his Grace should have occasione to use ther service: and subscribe themselves his "Grace's most affectionat and humble servantes, J. Cochrane, Bailly. An. Ainsly, Bailly. J. Smith, Bailly. C. Hammilton, Bailly." ⁽¹⁾

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XII. The next letter was directed to the Archbishop, about a moneth afterwarde; its date being September twenty-sixth, 1637, wherein, after they had thanked his grace for his kynde letter, so now they become new suitors to him for to receave from them a true informatione of the difference of the present tyme; which was that since ther former letter to him, ther had been such an innumerable confluence of people from all the corners of the kyngdome, both of the clergie, and laitye and all degrees of people, by occasion of the Councell dayes; and such things suggested to the poor ignorant people, that they had razed what they by great and continwalle paines had imprinted on ther myndes and had diverted them from ther former resolutione, so that now tho they the Magistrattes wer urged they could doe nothing of themselves alone and therfore wer forced to supplicate the Lords of Councell to continow them in the state they had done the rest of the kyngdome having hitherto forborne to combyne or supplicate with them, that for ther pairt they would not forbear to doe service to the King, and to reimprynte in the myndes of the people that which was tackne awaye, and for a conclusion they supplicat his grace to be instrumentall for to keepe them in the King's favour, and withall that no other course should be tackne with them then with the rest of the Kyngdome, &c. and then they underwrytte themselves his "Grace's most affectionate and humble servants, J. Cochrane, Bailly. J. Smith, Bailly. C. Hammilton, Bailly. James Rucheid."

and excuse
the uproar
to the Arch-
bishop of
Canterbury
by two let-
ters.

XIII. The Councell had thoughtes for to punish such of the heades of the late tumult as they should discover, for the Bishopps sufferers and such as wer promoters of the Leiturgye had acqwaynted the King with all that was past, and therfor it was not safe for them to sitt still; but as the obscuritye and multitude of the actors made it difficult for to punish them,* so ther wanted not of the Councell who by ther informationes to the King exten-

The Coun-
cell consult
anew;

(1) [This letter and that quoted in the next chapter, are printed at length in the King's Large Declaration, pp. 28.30.]

* Quicquid multis peccatur inultum est. [Lucani Pharsal. lib. v. 260.—Vide Erasmi Adag. Chiliad. p. 296; edit. Aureliae Allobrog, 1606.]

A. D. 1637. wated the matter as much as the Bishoppes amplified it, specially the Earl of Traquair, who with others casting the fault upon the common people and women and excusing all others of any note or reputatione, as also representing to the King the undertackings of the Magistratts of Edinburgh, seconded by ther owne expresse to the Archbishop of Canterbury after qwyetting of all thinges, made the King apprehend that the flamme kindled was of little daunger for its consequence and easily extinguishible, wherin Traquair was greatly mistackne, who is saide upon that accompt as if it had layne in his handes for to have settled all thinges at his owne pleasure, and therfor did prove little active to repress the beginnings, as all thought out of an odium to the Bishops whom he and many others of the nobilitye wer not ill content to see affronted, and ther owne handes cleane; as also it was uncertaine if heerby his designment was not lyckwayes for to endeare his service to the King by repressing the tumultes after they had come to some height, which by how much more difficult it was to be done could not but purchase to him proportionable esteeme and thanks from the King, who by his and the Magistrattes of Edinburgh ther informationes and letters was moved in the beginning for to remitte of his intended rigour against the offendours in the first uproare, and kepted asleepe from tacking the alarum for some time thereafter.

and are petitioned from several places against the Service Booke.

Sept. 23.

XIV. As in Edinburgh, so in other partes of the kyngdome the booke was urged by the Bishoppes. Nor is it to be forgottne that in Edinburgh itself for a moneths space or therby after the first tumult, ther was a kynde of vacancye of divyne service upon the weeke dayes, the churches standing desolate without either preaching weekly as the custome was, or morning and evning prayer dayly, which looked lycke a kynde of Episcopall Interdicte which the towne was put under, which did but heightne the rage of the people who were alreadye in a distemper and discontentment. Meanwhyle such as in other places were solicited by the Bishoppes to proceede to reade the Service Booke, fynding themselves pressed with Letters of Horning in caise of disobedience wherwith both the booke and the Bishoppes threatned them, fynde no other remedy for the tyme, but to petition* the Lords of the Councell, for to suspende the letters, wherby they wer charged to receave the Service Booke; intreating them not to lett the forme of the Church

* It was at the giving in of this supplicatione, that Sir Thomas Hope the King's advocate, who befor had approved the leiturgye, declared openly, that by his consent give to the imposing of the Service Booke, he meant not an active but a passive obedience to the King's desyre, and that he never intended for to accept of it as warrantable.

discipline be chaunged after such a violent manner; that for ther pairt they were willing for to chaunge any pairt of the receaved service, that should be discovered to be erroneouse; with all thois Ministers, who had made ther applicatione to the Councell by way of supplicatione, they tacke notice of all the particular exceptions, that they had against the new Service Booke; and doe offer them to the Councell's consideratione; and offer, either for to dispute therupon or to come to a freendly conference; withall they remonstrate, how dangerouse a thing it was, for to introduce chaunges into a Church, evne albeit they proved for the better, which, they affirmed, wer more hurtfull by ther noveltye, then helpfull for ther utilitye; that albeit the example of former times wer no prooffe or could be none, yet the distracted state at present of the Church of Scotland, falling assunder by divisione, might sufficiently macke it apparent. Furder they show how that the reformed Churches of Austria wer brocke in peeces, by a violent obtruding upon them of the Leiturgies, which formerly they had not used; that the unhappy controversyes in Charlemaynes' tyme, anno Christi 800 or therby, wer weall eneuch knowne; which made stryfe eneuch, whilst some did adhere to the Leiturgie of Ambrose, whilst others would needs have the Gregorian or Roman Liturgie in the place therof. Furdermor, they instance the calamities, wherwith Spaine was vexed, under Alphonsus the sixth, who, by the sollicitatione of the Bishop of Rome's legate, attempted for to abolish the use of the old Mozarabicke service and to sett upp in place therof the Gregorian leiturgie, altho his whole subjects refoosed to admitte it. Lastly they doe remonstrate that it was a matter of dangerouse consequence and would or might heerafter prove very praejudiciall both to worshipp and doctrine, established in the Church, if ane harmelesse forme of service, which had been used hithertoo to good pourpose, and to aedificatione of such as wer piously disposed, should be chaunged upon all occasiones, acording as the fancye of a prince, or of a few, and that chaunge evrye waye to the worse: That if such a praeparative gott waye in the beginning, it was very probable that the following princes might yet macke another chaunge and still for the worse: That ther was great appearance, that ther never wold be wanting amongst the Churchmen themselves, who that they might maintaine themselves in the favour of thir princes, wold be readye at al tymes like the changeling Eccebolius, for to tacke upp the prince's relligione and promote it for their owne endes: That they all had the most charitable sentiments and wer fully perswaded of ther graciouse prince his devoute and

A. D. 1637.

A. D. 1637.

piouse inclinations for the promovall of godlinesse; yet that all historyes wer a full prooffe, that Kings, succeedinge one another, wer not alycke in ther dispositiones, nor ther opinions nor intentions one and the same; nor they eqwally affectionete with Relligione and God's service: That the Bishops had no just grownde for to lay over the introductione of thes innovations upon the King's Majestye; seing that he, but about four yeares befor at his coronatione, had tackne a solemne oathe, that he would neither alter nor chainge nothing that concerned the laws and libertyes of the Kyngdome and Church of Scotland, without the solemne consent and advyce of all such as were concerned first obtained and sought by him; for which causes they earnestly beseeched the Councell that they wold interpose themselves against such Innovations, and in the interim, that they would suspende all execution of the Letters of Horning, wherunto the refusers to reade the Service Booke for that tyme, wer or afterward might be obnoxious.⁽¹⁾

The reading
of it is left of
by all minis-
ters.

XV. This remonstrance had not so many handes in the beginning as afterwards supplications of the lycke nature mette withall, animated by ther example or allurd by ther perswasiones and woane by ther argumentes. Ther was a pairty who would have givne the Service Booke welcome entertainment, Ministers who had been mostly brought in by meanes of the Bishops or ther favoritts; nor wer they inconsiderable either for number nor learning, yet it was but a few of thes who offered to tacke upp the buckler; and the dissatisfactione of the rest of the Ministrye made them so prudentially, specially after the Edinburgh tumult, as not to be hasty to reade the Service Booke; for they wer assured that the Bishoppes would easily pardon ther delaye.

The peti-
tioners are
censured,
and the King
advised.

XVI. To the petitioners the Lordes of Councell answered, that ther meaning was, that evry Minister should buy coppinges of the booke for ther private use; and that the Ministry might searche diligently if the booke contained any thing in it, which might give them, or any of them, just cause to reject it, in caise the king should urge it afterward. This is said to have been the interpretation of thes letters of Horning imprinted befor the Service Booke: but the wordes will scarcely, to ane ordinarie judgement, bear such a constructione; and sure the Bishoppes, who had the cheife hande therin, and were Councillers then, never meant it so; for the wordes runne

(1) [Vide Hist. Motuum, pp. 32, 33.]

thus, "in our name and authoritye command and charge all our Subjects both ecclesiasticall and civill to conform themselves to the said publike forme of worship, which is the only forme, which we (having taken the counsell of our clergie) thinke fit to be used in Gods publike worship in this our kingdome: Commanding also all Archbishops, and Bishops and other Presbyters and Churchmen, to take a speciall care that the same be duely obeyd and observed, and the contraveeners condignely censured and punished, and to have speciall care that everie parish, betwixt and Pasch next procure unto themselves two at least of the said Books of Common Prayer, for the use of the parish, the which to do we comitt to you," &c. which wordes I have transcryved off the originall coppye in printe.

A. D. 1637.

XVII. This petitione proved a leading case to the towne of Edinburghe, who by the asistance and directione of two of the Ministers, who were lately silenced by the Privy Councell for refoosing to reade the Leiturgie (viz. Mr. Andrew Ramsey * and Mr. Hary Rollocke), did lyckewayes petitione the Councell upon the twenty-sixth of September; humbly desyring not to bee pressd with the Service Booke, notwithstanding all ther former undertackings, but to be continewd in the same case with all the rest of the kyngdome, untill the King's pleasur wer further known. Thes petitiones, although the most pairt of the Councell saw some necessitye to graunte for the tyme, yet it was not weall tackne by the Bishoppes who wer Councillers; who, meane whyle, wer using ther utmost endeavours with the Ministrye for accepting and reading the Booke, fearing as is alleadged, that if the great reluctancye of the most pairt of the church men and people for to accept of the Service Booke, should be discovered by the King, that it should reflect upon them, who had assured the King, that the Booke would be admitted without any noyse. But if theye wer busey for the Booke, such of the Ministrye as wer ther opposits,† and still had been so, wer as busey in privatt and (such of

The citizens
of Edinburgh
remonstrate
likeways
against it.

Sept. 26.

* Mr. Andrew Ramsey had not long befor solicited the old Earle of Southeske for to interpose himself with the King for him to see if he might procure to him the place and office of a Bishop, which afterwards the old Earle of Southeske did not sticke to declare and (as I have heard) did upbraid Mr. Andrew himself with his suddaine chaunge of his principles.

† It was reported at this tyme, that Mr. Alexander Hendersone and some other Ministers, desyred to conferre with the Bishops about the Service Booke and to give ther reasones why they opposed it. Traqwair, Roxburgh, and Southeske did intimate their desyre to the Archbishop of Saint Andrews, and said they thought that such a conference would tend to ther settlement. The Archbishop and the other Bishops with him answered, that it was not equitable for to submitte ther authority to the Ministers, or to dispute about the Leiturgie now ratifyd

A. D. 1637. them as wer mor daring) in publicke, and in pulpitts, for to alarum the people against the Booke, not concealing anye thing that might bring them in disgust therfor. And thes, fynding the Bishoppes upon ane obstinate persuite of the designe (as being now engadged in ther honour if thes Bookes wer refoosed), fall anew to petitione the Lordes of the Councell, and with them such of ther people, as wer most eminent for ther qwalitey in the severall paroshins, or most opposite to thes Bookes : This they did, that the Lords of the Councell might understand that it was not the Ministers alone, who wer dissatisfied with the booke, but the people also. And James Duche of Lennox, being about this tyme occasionally come to Scotland for to performe the obsequiall dutye to his mother's funerall,⁽¹⁾ newly deade at Paislye, to him came many Ministers severally with supplications and remonstrances, entreating him most earnestly, at his returne to England, for to delyver and present the severall supplications and remonstrances against the Service Booke, into the King's handes. This course they fell upon, both because the Duche was a nobleman of a calme temper and principled by such a tutor, Mr. David Buchanan, as looked upon Episcopacye and all the English ceremoneyes with an evill eye ; as also they knew, that besyde his neer relatione of bloode to the Kinge, that the King held him in ane esteeme proportionable (if not greater) to his consanguinitye, besyde the advauntage of his constant abode at courte for the most pairt. But as for thes petitioners, they were answered anew by the Councell, that the Service

by authoritye of the King, yet for peace sake they would accept of a conference, upon conditions which the Noblemen thought reasonable, which the Bishoppes desyred should be first sent to the King for his approbatione and consente. The Earl of Southeske desyred that he might communicate the conditiones to Mr. Henderson and the other Ministers, who, upon sight therof, as he reported to the Bishops, refused conference and cryed for a Nationall Synode. The Noblemen were dissatisfied that they refused the conference which they desyred themselves, yet both agreed to have a Synode.—Vide Salmonet, lib. 1, pag. 69. [An English translation of this work, by Captain James Ogilvie, appeared in folio at London, in 1735. The passage referred to will be found at page 20. Robert Monteith, otherwise Salmonet, minister at Duddingston, abandoned that benefice in consequence, it is said, of some immorality. He repaired to France, where he assumed the style of "de Salmonet," and joined the Church of Rome. He enjoyed the patronage of the Cardinal Richelieu. The first edition of his *Histoire de la Troubles de La Grand Bretagne*, was published at Paris, in folio; the title-page bears no date, but the book was printed, probably about the year 1661.]

(1) [Catherine, widow of Esme, third Duke of Lennox, died at Paisley, on the 21st of August, "of a fever, and was buried [there, on] the 17th of September, 1637, in the night, without any ceremony; for her husband, mainly by her princely carriage, was more than 400,000 merks in debt."—Baillie's Letters, vol. i. p. 9. Sir James Balfour's *Hist. Works*, vol. ii. p. 257.]

Booke should not be obtruded any mor, till ther petitiones wer made knowne to the King, and a returne had from his Majesty of his pleasure; which should be communicated unto them, how soone it came from Londone; for which ansuer, both Ministers and suche as wer supplicants with them, gave the Councell thanks and wente home, and severall Ministers, at ther returne, fell to keep fastes and prayers, that God would inclyne the King's heart to give them a goodly ansuer, and that withall he would, of his gratiouse mercye, hinder the entrance of thes popish innovations and discover the hidde undermynings of ther enemies.

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XVIII. But how soone harvest was done,* such as had been lately supplicantes against the Service Booke, being advertised of the returne of the poste from London with the King's ansuer, they beginne to draw to Edinburgh from all quarters of Scotland, both Noblemen, Gentlemen, Ministers and Burgesses, in such numbers as made such as looked upon them suspect or feare ane insurrectione. Thes wer come, both to learne the King's ansuer and to petitione and proceede in order therunto, as the exigencye requyred. And as befor it was appoynted, the Councell conveend upon the seventeenth of October, 1637, who considdering, as it was forseen by the King, that it was not safe for to give ansuers to a multitude, specially unsatisfactorye ansuers, did give out a proclamatione, giving notice therby, that on that daye, nothing was to be treated of at the Councell table concerning Church bussinesse, untill the Lordes might see the tymes and meetings of his Majestyes subjectes mor qwyett and peacable; and therfor commanded all who wer come thither, about any such bussinesse, peacably to repaire to ther owne houses, within twenty-four howres after publication of the proclamatione, under paine of rebellione and putting them to the Horne; with certificatione to them, that, if they faile, they shall be denounced rebells and be putt to the Horne, and all ther movable goods escheate to his Majestyes use.⁽¹⁾

Great companies resort to Edinburgh; a proclamation is made.

October 17.

* October 3.—Ther fell out a prodigious deludge of raine in the north of Scotland, whereby ther was great hurt done to corns and mills upon river sydes; and the river of Dee at Aberdeen was so overflowed, that some shippes wer drivn from ther anchors, and wer brockne against the bulwarke at the river's mouth of Dee, whereby a great number of souldiours, who wer leyed to be transported into Sweden, being that tyme on bord, wer drowned in the night tyme, and ther bodyes after ward cast out in severall places upon the coast near Aberdeene. [We learn from Spalding, that the ships were four in number, and that the soldiers slept in the holds on heath.—See Hist. of Troubles, vol i., p. 49.]

(1) [This and the two proclamations referred to in chapters xix. and xx. will be found in the King's Large Declaration, pp. 33, 34.]

A. D. 1637.

Judicatories
removed out
of Edin-
burgh.

XIX. This proclamatione was seconded with another, which might tacke away all excuse of stay from many, and lyckwayes necessitate them for to be gone from Edinburgh; and that so much the rather, because the King was advertised, that if this concurse of people and the Sessione should meete in Edinburgh, who wer now fallne off from the Service Booke and turned mostly against it, such ane aspecte and configuratione of a triplicitye, might prove very malignant for its influence, both upon the Service Booke and the Bishoppes themselves, as indeed it was not hard for to conclude.

The second proclamatione, for substance, was as followeth; that for as much, as the King, for diverse considerations, was pleasd to remove the Councell to Dundye from Edinburgh; yet seing it was inconvenient to remove it so farr, they appoynt, for that tyme, that the winter Sessione (or terme) should be holdne at the Brugh of Linlithgow; but the next after that at the brughe of Dundee, and ther to remaine during the King's pleasure.

Proclamation
against a
book called
"The En-
glish Popish
Ceremonies."

XX. A third proclamatione was against a booke, newly printed, called the "English Popish Ceremoneyes;"⁽¹⁾ the author wherof was said to be Mr. George Gillespye, a Minister *de quo plura postea*, (for now both presses and pulpitts began to speacke out). The proclamatione specifyde that the Councell should macke inqwyrre for all the coppys therof, and who ever had them, against such a daye prefixed, should bring them in to the Councell to be publickly burnt; and who ever should keepe that booke, after the time prefixed, should be censured eqwally with the author. But the booke had too many protectors, for to suffer it to runne the hazard of a martyr-dome; and the effects of this proclamatione wer non other, as to the booke itself, but for to macke evry one the mor curiouse to know the contents therof, and consequently to macke the mercatt the better for the stationer.

A new up-
roar in Edin-
burgh, which
the magis-
trates could
hardly quiet.

XXI. All thes three proclamationes wer of one date, October the seven-teenth, and proclaimed the said daye. Now whatever reason the King saw for them, thes, who wer come to supplicate the Councell anew, wer but

(1) [A Dispute against the English-Popish Ceremonies, obtruded upon the Church of Scotland. Wherein Not only our own Arguments against the same are strongly confirmed, but likewise the Answers and Defences of our Opposites, such as Hooker, Mortoune, Burgess, Sprint, Paybody, Andrewes, Saravia, Tilen, Spotswood, Lindsey, Forbesse, &c. particularly confuted. Reprinted in the year of our Lord, 1660. George Gillespie, by whom this work was written, was afterwards minister at Wemyss, in Fife, a member of the Westminster Assembly of Divines, and Moderator of the General Assembly of 1648. He died towards the close of that year.]

rankled therby; for they affirmed, that none wer for to blame for thes ansuers sent from the King but the Bishoppes onely, who had moved his Majesty, insteade of freing them from ther grievances, for to give them new cause of complainte; that commanding all to leave the towne, and the removall of the Sessione was nothing else but a *Justitium* or vacancye of law, hurtfull to all the subjectes as weall as to Edinburgh; being that it was weall knowne, that the Session could sitte no wher commodiously but in Edinburgh. Finally, they wer that farr from going awaye from Edinburgh, that the number of such as came thither was augmented evrye daye; and, as the King and Councell had forseen, the confluence of the people wer neer unto ane uproare; for upon the eighteenth of October, 1637, Mr. Thomas Sydsferfe, Bishop of Gallowaye, and Sir William Elphinstone, Lord Cheife Justice,⁽¹⁾ being appoynted by the lordes of the Councell for to examine wittnesses in a cause depending befor them, betuixt Francis Steward, sonne to the late Earl of Bothwell, and some others, the Bishop was peacablye passing alonge the streete towards the Councell house, wher the examinations wer to be tackne. But suddenly, ane intraged multitude surrownded the Bishop of Gallowaye, and followed him withe fearefull cursings and exclamations close to the Councell house door, wher he mett with a second assault by others standing ther, who beganne to presse so hard upon the Bishop, that, with much adoe, by the helpe of the saide Francis Steward, he gott within the Councell house doore, wher Sir William Elphinston stayd for him; but after his entrye, the people continowd (without regarde to the place) calling for the Bishopp, and powring out threates against him, which questionlesse were unhandsome eneuch.* But the Bishopp's servantes in-

A. D. 1637.

October 18.

(1) [Lord Justice General.]

* The Author of the booke called *Historia Motuum in regno Scotiae*, has, in his relation, qwytted overleaped the historicall relation of this, which was the *secundus motus in regno Scotiae*, anno 1637. [*Rerum Nuper in Regno Scotiae Gestarum Historia, seu verius Commentarius, causas, occasiones, progressus horum motuum breviter & perspicue proponens, simul cum synopsi concordiae quantum hactenus inita est. Excerptus ex scriptis utriusque partis scitu dignissimis, quorum primaria in Latinum sermonem nunc primum fideliter translata inseruntur. Addita est Ecclesiae Scotiae ad Helveticas reformatas Epistola qua compendio res tota perspective exhibetur. Per Irinaeum Philalethen, Eleutherium. Dantisci. Anno Domini 1637.*] This work has sometimes been attributed to M^r Ward, but there can be no doubt that it was written by William Spang, minister, first at Campvere, and afterwards at Middleburg, mainly from information supplied to him by Principal Baillie.—See below, book III. ch. lxvii. The first edition gave an account of the disputes until the first of October, 1638; the one, of which the title-page is quoted above, brought it down to the close of 1640.]

A. D. 1637.

stantly runne to the Earl of Traquaire (Lord Thesaurer at that tyme), and to the Earle of Wigtowne, a lord of the Councell, who wer both at a lodging not farr distant. Thes two came presentlye, with ther followers, to the reliefe of the Bishopp, and, with much adoe, forced ane entrie through the presse of the mutineers; but being entred into the Councell house, they founde themselves in no better conditione then the Bishopp was; for the people's fury, not meeting with any proportionable resistance, encreased the mor. The Earles of Traquair, Wigtowne, and Sir William Elphinstoune, thus besett in the Councell house, sent privattly to the provost,* bailies, and councell of Edinburgh, who wer then assembled in ther oune councell house, requyring them to come to ther rescue, and to tacke some present order for ther safetye. The provost and bailies of Edinburgh returne ther answer by Sir Thomas Thomson of Duddistoune, ane eye wittnesse of the truth of ther answer, that they wer in the same, if not in a worse case themselves, if the lords without did not presentlye pacifie the enraged multitude; that the whole streets wer pestered with disorderly people; that the councell house was besette without and thronged within with ther owne threatening cittizens, who had vowed to kill all within the house unlesse they presentlye subsigned a paper presented to them, which, for feare of ther lyves, they wer forced to doe. Which paper contained the particulars following:— 1stly, That they should joyne with them in opposing the Service Booke, and in petitioning the King for that pourpose; 2dly, That, by ther authoritye, they should presently restore unto ther pulpitts Mr. Andrew Ramsey and Mr. Hary Rollocke, the two silenced Ministers; 3dly, That they should restore unto his place Mr. Patricke Henderson, a Reader, silenced lykways by the Privy Councell, for refoosing to reade the Service Booke. Traquair and Wigtowne, getting no better ansuer, resolve, with ther followers, for to goe upp to the towne's councell house, and to use the uttermost of ther authoritye, or, at least (that failinge) ther best perswasiones, for settling the present seditione. When they came thither, they founde the magistrattes in some perplexitye, and doubtfull of the event; yet presently they enter in consultatione with them, about what was fittest to be done in that exigent; and fynding now that the publicke divulging of that paper, which the magistrattes and councell of the cittye had subscryved, and that the opne proclamatione of it throughout all the turbulent multitude, and at the Crosse,

* Sir William Dick was Provost then and sometye afterwarde.

had a little calmed ther passionnes, the lords beganne to advyse with the magistrattes what was best to bee done for the safetie of the Bishop of Gallowaye, whom they had lefte enclosed in the Councell house. It was thought fitt by all, that the lordes should returne to the Councell house, and ther containe themselves, till the magistrattes should trye what could be done for the settling of the commotion in the streetes. But no sooner had the two lordes presented themselves to the streetes, but they wer receeved with such violence as they were forced to reteere untill such tyme as two of the bailies, with ther officers, and such others as they gotte to attende them, accompanying the lords, and telling then anew to the multitude, of the concessionnes in the paper exhibited to them. A little waye was made at first; but how soone they entred upon the greate streete, the furieuse multitude beganne to runne upon them most enragedly, crying out, with greit confusion, many thinges; and, amongst others, the note that they sunge, was "God defende all thoise who will defend God's cause; and God confownde the Service Booke, and all the mantainers of it." The two lordes had no better defence for the tyme but to assure the multitude that they would present ther greivaunces to the King; for howbeit they commanded and reqwyred them in the Kinges name to be qwyett, they gott neither hearing nor obedience; so they wer glade to perswade and give good wordes. But that availed not, for the Earl of Traquaire, by reason of the encreasing furye, had the misfortune to be throwne downe, his hatt, his cloacke, and his whyte rode (the badge of his office) to bee pulled from him; and had it not been that he was instantly sett upon his feete againe by the strenth of such as wer aboute him, he had runne the hazard of being trodne under foote, if not greater. However, it was in that posture, without hatte or cloacke, lyke a malefactour, he was carryd by the crowde to the Councell house doore, wher the Bishopp of Gallowaye (with some others of the Councell) was blocked upp all the whyle, in feare eneuche, expecting the lordes returne for ther reliefe. Not long after, the provost and bailies came thither unto them, and tould ther lordshipps that they had used ther uttermost power and perswasiones, with the best and ablest and of pryve esteeme of the citty, for appeasing of the present tumult, and securing their lordshipps persones, but could fynde no concurrence nor obedience. Whereupon the Lords resolved to sende for some of the noblemen and gentrye, and others who wer frequently at that tyme assembled in towne for asisting the petition against the Service Booke, to trye what helpe they either would

A. D. 1637.

A. D. 1637. or could contribute for qwyetting the enraged multitude; and also, what assistance they might expect from them in freeing them from the present daunger. Thes, upon the call of the Lords, presentlye doe come to them, and declare how much they wer unsatisfeed with the present mutinye, offered ther persones and power for securinge them from all violence; which the Lords, enclosed in the Councell house, accepted off readilye; and so, being gwarded by them, Traquaire gott unto the pellace of Helyrudehouse, and the Bishop of Gallowaye to his lodginge. But the provost of Edinburgh was againe sett upon as he was entering into his lodging, and was so pressed by the multitude, that they crowded with him into his owne yarde (or closse), railing upon him, and throwing stones at his windowes, untill some of his servantes fyred a peece amongst them, charged with powder only, which made them reteere in feare. It is remarked that, in this tumult, non had been mor troublesome then two bailies, who, not long before, had subscryved the letter to the Archbishop of Canterburye.

The Councell discharges all confluence of people by their proclamation.

XXII. This tumult occasioned the meeting of the Councell in the afternoone at Halyroodhouse, who did emitte a proclamatione, declaring, That for as much as the Councell being conveened, they had been tumultuously interrupted in ther proceedings by a promiscouse gathering of the vulgar multitude, who had most shamefully environed his Majestyes Councell and servantes, which was disgracefull to authoritye, and dangerouse in its consequences: Therfor, they discharge all publicke gatherings within the city of Edinburgh, and upon the streetes; as also, all privatt meetings tending to factione and tumult; and all the inhabetants for to keepe ther houses (except when lafull occasiones calld them out) under all highest paines.⁽¹⁾ But this proclamatione mett with such entertainment as the rest; for thes, who the day befor had made the tumult, sent, the next Councell day, to the Councell table, and ther doe reqwyre that ther Ministers and Reader might be restored to them, acording to conditione, and that they might have assurance that ther magistrattes would keep promise to them, which was extorted in tyme of ther tumult and insurrectione.

The tumult ill taken.

XXIII. This second acte was ill tackne by many sober mynded men, who, from hence, joynd with the former, easily forsook the event; the first uproare in the Church upon the Lord's day in tyme of divyne service, upon Church men officiating; this seconde sturre upon the streetes of the pryde

(1) [See the Large Declaration, pp. 38, 39.]

citty, with a contempt of authority of the King and his lawes, and violence offered to the persones of the Councillers and cheife officers of estate, without reverence to the houses and the places wher the Councillers of the Kyngdome and magistratts of the citty uswally conveend, which places have evry wher challengded respect and reverence as their dwe. They saw things growng higher; the first tumult begunne by the basest sorte of the towne, condemned for that action as the scumme of the people, by thoise who, for the most part, wer of the best of the citty (excepting only the magistratts and some others), yet themselves, authors of, and actors in a second and mor dangerouse uprore; that albeit such others as wer petitioning against the Service Booke, had disavowed and dislycked this seconde sedition and insurrectione, yet they wer not so cryed downe by them as the former, nor did they putt such names upon them, though both the actiones wer of one kynde; nor was ther the least shew or signification of any desyre they had to see them punished or questioned; wherby all thought that greater and mor regular actors wer next to stepp out and acte.

A. D. 1637.

XXIV. And as matters stode at that tyme, it was not safe for the discreeter sorte for to quarrell much with them, who, at this very instant tyme, wer preparing a petitione to present the Councell with; which was accordingly givne in to the Councell upon the nineteenth of October, as ther was another of almost the lycke straine presented to the Lord Chancellour, Archbishop of St. Andrews. The first of thes two petitiones was subscribed by the promiscowse multitude, in name of the citty of Edinburghe, against the Service Booke, much to the following purpose: That they, men, women, children, and servauntes, indwellers within the citty of Edinburghe, having considered the Service Booke urged upon them, did fynde many thinges therin farr different from the forme of worship receaved in Scotland; that they wer sworne to mantaine the same at ther entrye; that though they had for a tyme winked at former innovations, yet it troubled them muche to see the true worshipp of God chaunged; therfor desyred some tyme to advyse, and prayd ther Lordshipps for to fynde out a way whairby they might enjoye the true relligione, whiche was dearer to them then ther lyves; and to this they reqwyred an ansuer.⁽¹⁾

Citizens of
Edinburgh
petition the
Councell
against the
Service
Booke.
October 19.

XXV. The second supplicatione, subscribed in name of Noblemen, Gentlemen, Ministers, and Burgesses, spacke higher langage; for not

Are second-
ed by others
who like-
ways accuse
the Bishops.

(1) [See the Large Declaration, pp. 41, 42.]

A. D. 1637. only did they petitione against the Service Booke, Booke of Canons,⁽¹⁾ and they desyre licence for to accuse the Bishoppes. They shewd that, without reason, they wer commanded to leave the towne, and the course of ther supplications interrupted: That since the Archbishops and Bishoppes had drawne upp a Booke of Common Prayer, wherin was both seedes of false doctrine and superstitione, as also the Service Booke of England therby abused in many thinges, specially in the matter of the Communion; and in the other Booke of Canons, they ordaine that whosoever shall speacke against the Booke of Common Prayer, shall be excommunicated and not relaxed till he retracte and repente; besyde one hundred canons mor, the most pairt wherof wer destructive to established Church discipline, and opned a door to furdre innovations, macking in some arbitrary punishments, as the Bishoppes should think fitte: That thes Canons wer never seen nor allowed by Generall Assemblies, but imposed contrarye to order established for Church Constitutiones: That the prelates had, under trust, procured his Majesty's hand to these two Bookes and Letters for pressing them, and were urging them by horninge, so that either they must be excommunicate and putt to the horne, or fall to lose the trew religion: That they wer perswaded that the King intended not for to goe against his ingadgement in 1633 for maintenance of religion as it was professed: That therfor the Bishoppes had wronged the King by abusing ther truste: Therfor, they desyre the matter to be putt to tryall and the Bishops, ther pairtye, tackne order with according to law; and that they, the Bishoppes, should not be ther judges to sitt longer in Councell, till the cause wer tryed; or if this would not be graunted, at the least to represent it to the King, that from him they might have redresse.

The censure. XXVI. This petitione was censured, First, because they complained of manglinge the English Service Booke, and of the abuses offered unto it, and for wronging the intentions of the reformers of the religion in England; wheras, in ther sermons, they did uswally inveighe against the English Service Booke, as stuffed with superstitione and poperye; and that the first reformers ther did never fully depart from Rome, or, to use some

(1) [Canons and Constitvtions Ecclesiasticall, gathered and put in forme, for the government of the Church of Scotland. Ratified and approved by his Majesties Royall Warrant, and ordained to be observed by the Clergie, and all others whom they concerne. Published by Authoritie. Aberdene, Imprinted by Edward Raban, dwelling vpon the Market-Place, at the Armes of the Citie, 1636. With Royall Priviledge.]

of ther expressions, that England had banishd the whore, and retaind her buske or attyre : Next, that as they encreased ther petitiones, so did they macke ther greivaunces swell, adding now ther dislycke of the Booke of the Canons to that of the Service Booke.

A. D. 1637.

XXVII. Thes who presented this petitione, had ever till now supplicated the Councell severally, that therby they might give no occasione to macke any misinterprett them, as if they came for to threatne the Councell with ther numbers. But, conceiving that ther distinct applicatione was misconsterd paucitye, and made them contemptible, they thought it was expedient, from thenceforth, to joyne together in a bodye, that so the Kinge might know that they wer not few who opposed the Service Booke, but many ; and thes both considerable and faithfull subjectes to the Kinge. This, they declare was the reasone of ther frequent convention at this tyme first,* as also, of ther joynt petitioning ; but after ther petitione, they shew to the Councell, that they could not leave Edinburgh, till a way wer shewed to free them from the present pressures. Severall meanes wer used for to move them to dissolve ther conventions, and that evry one apart would propose ther greivaunces to the Councell : but that was refused, and looked upon as an overture for to devyde and breacke them ; and (which was really true) as a meanes to qwyett them with greater ease. After severall conferences betuixt the Councell and the petitioners, in ende they were content for to dissolve ther tumultwary conventione, but upon this conditione, that before they dissolved, it should be laful for them to chuse out some of ther number, whom the Councell should tacke notice of, as the delegates who should be heard as ther representatives, who should acte and macke applicatione to the Councell, in name of all the rest, at all times, as the case should reqwyre ; and on the other pairt, the Councell should macke knowne the King's will and his ansuers to thes ther delegates (by them to be nominate) at all tymes. To this the Councell acquiesced, such of them as fancyd them not, namely the Bishoppes, to be ridde of the unruly multitude ; others out of necessitye, because they saw not how to commande them. Nor wanted ther in the Councell such as willingly promoved the overture, being then ther secrett freendes, but afterwards their opne asso-

The Tables
are set up.

* The chiefe heades of such as opposed Episcopacy, &c., wer professedly at first Rothesse, Cassils, Balmerino, Lowdone, Lindsaye, and Maister (afterwards) Sir Archibald Jonstone. Secrett favourers and promovers wer Hamiltoun, Argyll, Lauderdale, Traquaire, Roxburgh, Orbestoun justice-clerk.

A. D. 1637. ciates. This being once obtained, was made a ground sufficient for constituting of four Noblemen, four Esqwrys (or Lairds), four Burgesses, and four Ministers; the first to represent the Nobilitye, the second, to represent the small Barrons, the third, to stand for the Burroughs, and the fourth, for the Ministrye of the severall presbytryes of Scotland. Thes sixteen, thus chosne, wer constitute as delegattes for the rest, who wer to treat with the Councell thereafter in name of the rest, and to reside constantly where the Councell sate. These delegatts, thus constitute, were appoynted to give intelligence to all qwarterns of the kyngdome to ther associatts, of all that past betuixt the King, the Councell, and them; to corresponde with the rest, and to receave intelligence from them, and to call such of them, with the mynde of the rest, as they thought expedient. Furder, thes delegattes, after a certaine tyme, wer to be freed of that charge; and, being releaved, others to be putt in ther places to succeed to them, and so fordwart by turnes. It was they who, for some tyme afterward, wer knowne under the name of the TABLES, or mor commonly the GREENE TABLES. This being done, the multitude returned, evrye one to ther owne homes, ready to returne upon the first call of ther new representative, which they had established in ther place. And the Councell, for to give them furder satisfacione, with the first occasione, poasted ther petitiones to the King, who, now beginning to apprehend something mor then formerly of this insurrectione, delayed to give them an ansuer till he wer furder advysed; but, in the interim, commanded the Councell to signifie to all his subjectes in Scotland his aversenesse from Poprye, and detestatione of superstitione (seing he conceived that the people wer made to beleve that the King enclynd that waye), and withall that he intended to doe nothing in matter of relligione against the lawdable lawes of the kyngdome of Scottlande; which was accordingly done by public proclamatione at Linlithgow, seventh December, 1637.

The King
declares his
averseness
from Popery.

XXVIII. The occasione of this proclamatione, was the Councell ther advertishing the Kinge that most part of the petitioners had conceived a jealousye that, by the bringing in of the Service Booke, ther liberty was endangered, as also that by that Booke the puritie of the reformed relligione would be praejudged; for which cause the Kinge forbade the Councell for to meddle any mor therwith, as also gave out his declaratione concerninge his intentiones towards the preservatione of the puritie of relligion, as has been said. About this tyme, the King sent the Earle of Roxburgh

into Scotland, who was Lord Privy Seale, with instructiones to the Councell for ordering thes disorderd affaires ; according to which instructiones it was ordered that the Councell should sitt at the pallace of Dalkeithe, four myle distant from Edinburgh, that so they might the mor easily know what past at Edinburgh, which was the ordinary rendezvous of the discontented supplicants ; and the Session, by the King's order, was removed to Sterlin, twenty-four myles from Edinburgh, out of Linlithgow, wher it was lately sett downe. The sendinge of such a Comissioner was displeasing to such as loved the King, for ther was a great presumptione that the Earle of Roxburghe, though the King trusted him, yet had but scarce reasone, for he was in a jealousye, that a pairt of the revenewes of Kelso Abbeye should be tackne from him towards the erectione of the bishoprick of Edinburgh, which had been founded by the King, anno 1633 ; and it was strongly surmised that, by his ladye her meanes, then resident at court, he drew intelligence, which constantly he imparted to the petitioning supplicantes. But, as after shall be related, it was not the Countesse of Roxburgh⁽¹⁾ alone, who did give constant notice of all the King's endeavours, for she was none of his secrett Councell, nor bedd chamber : but to returne to the pourpose. After the proclamatiōe made at Linlithgow, December seventh, thes new delegates did oftne insiste that they might gett hearing to accuse the Bishoppes. The Councell ansuered, that they had warrant from the King for to receave no petitione, relatinge either to the Service Booke or the Bishoppes. The comissioners, tacking this ansuer for a shift, or a plaine denyall rather, doe now resolve to protest against the Councell in ther owne name, and of all ther adherents, and to declare that by all peacable meanes they had already sought reparatiōe in vain ; but that, since they could not be wanting to the Church, if, in prosecutione of ther just desyres, any tumult or sturre should aryse or befall, that it might be putt upon the Councell's score, and they be free of the blame, since the Councell had refused them all justice and hearinge. It was not difficult for the Councell for to understand ther meaning, nor wer many of them unwilling to comply with thes protesters ther desyre, which was to gett the Bishoppes removd out of the Councell,

A. D. 1637.

December 7.

(1) [Jane Drummond, second wife of the Earl of Roxburgh, was the daughter of Patrick third Lord Drummond, and had been governess to the children of King James VI. She died in October 1643. The allusion which follows refers to the Privy Councillors and gentlemen and pages of the bed-chamber, who were accused of betraying the King's secrets to the Covenanters.]

A. D. 1587. upon a pretence of peremall danger; being that many of the Councillers looked upon the Bishoppes as displeasing Colleagues in the Councell. Therfor glad of the pretence, which some of themselves had suggested, they doe aduertish the Bishoppes for to absent themselves from the Councell for a tyme; and then they give licence to the comissionated delegates for to come befor them. Then, pretending (forsooth) that accesse would be hardly granted unto them to the Councell house, resolve for to waite for the coming out of the Councell at ther dissolving of ther meeting, and to make ther protestations at the pallace gate of Dalkeithe, wher the Councell was then convened, December nineteenth.

Dec. 19

The mon
day of the
four Tables
decline the
Bishops

XXIX. But the comissioners gott licence to enter, and then in name of all the rest, John Campbell, Lord Lowdon (afterwards Chancellor) spooke in name of all the rest, and resumed all that had past since they beganne to petitione the Councell, and shew with what patience they had waited for an answer: That they wer readye for to prove all that theye accused the Bishoppes of, and that they should be contente to forfeit ther estates, lyves and honors, in case they did not prove all that they alleadged, provyding they gott but faire hearing; and therfor desyred that the Bishoppes might bee putt off the Councell as pairtye; and that it was against all equity that such as they accused as enemyes, should be ther judges: And lastly, they doe earnestly supplicate the Councell, that at last, without mor delayes, they might be hearde against the Bishoppes, that so all the world and posterity might know, how dear to them both puritie of religion and justice wer.

The second
of the month
1587

XXX. When the Lord Lowdon had ended his discourse, he who was comissioner from the Ministrye spooke nexte, and shewed that the curse of Mose was wold fall upon ther heades, who wer wanting to the Church at such a tyme which was looked for at ther handes: That God did honour such as honoured him, and did deny them who denyd him: and that if they refused to helpe the Church at that tyme, that God would send it a destruction in woe. To this the Councell answered, that they wer much weighed with the sayes: but being inhibited by the King for to make any thing in the business they were wery that they could give them no faire satisfaction: and they desired that the Comissioners would have patience in they should make the sayes knowe to the King over more. Some report that at this time the sayes spake by the comissioner to the Ministrye were of the Lords of the Councell and should have beene what they have upon the mouth of the ministrye.

XXXI. Thes things moved the Councell for to wrytte anew to the Kinge, shewing him that all the meanes which hithertoo they had essayed for to settle the present combustions had proved ineffectwall; that evry day they wer growing greater, and that ther was no appearance for to settle them, except something wer yeelded to them; that since the King had reserved the determination of this questione to himself, they doe beseech him, that he would call to courte some one of the Councell, in whom he did putt most truste, and whom he would best credite; that the bussnesse drew deeper, than that it could be ended by his letters, as they had alreadye founde by sadde experience. Thes letters moved the King for to call for the Earle of Traquaire, to come to Londone; a man who, at that tyme, was Great Thesaurer of Scotland, and for some tyme befor had great trust putt upon him by the Kinge, and no lesse glade to have the state affaires of Scottlande ther transactione entailed as it were upon himselfe, as if he had been the King's proxye; one who envyed the Bishopp's greatness, and proved ther small freende; and, upon that accoumpt, it is saide, that they accused him, and strove for to bring him in disgrace with the King, at this very tyme. But, being a man who strove to tamper betuixt the King and thes malecontented supplicantes, his affectatione to keep in with the Kinge, and to mantane popularitie with the multitude, who were now beginning for to grow mor independent on the prince then formerly, if not opposite to him, made him losse credite, not long after, with both sydes, for all the service that he had done to them, in conniving at ther insolencyes against the Bishoppes. And it is well knowne that, amongst others, he became the subject of ther pasquills and satyres, his name, Johne Earle of Traquaire, being made by some pedanticall satyrists to confesse no more honorable anagramme then Ho! a very affronted Lye. This I mentione, that it may be knowne what esteeme they had of him in ende, whom, for his hate to the Bishoppes, they mistooke for a freende to ther cause: but it was already growne difficult to keep the King and them too. However, at his comming to Court, it was expected that Traquaire should have been agent for the petitioners, but his indifferent carriadge (so they esteemed it) gave them little or no satisfactione.

XXXII. In the yeare 1638, in the moneth of Februarye, Traquair was sent downe to Scotland from courte, with directiones from the Kinge; and immediatly, by the Kinge's warrant, tacking the Earle of Roxburgh and some other Councillers alonge with him to Stirling, after the Councell had

A. D. 1638.

King advertised again.

Who sends a new declaration. Feb. 1638.

A. D. 1638. February 19. sittne, ther was a proclamatiōne made declaring the Kinge's will, dated the nineteenth daye of Februarye, 1638, being the thirteenth yeare of the Kinge's raigne, whiche was to this pourpose followinge: That whatever was done in the matter of the Service Booke, they had no reason to qwarell with the Bishoppes about it, for all past therin was by his owne sight and approbatione: That he conceived the Book would be a readye meanes to mantaine relligione and beate out all superstitione; and he did not putt questione, but in tyme, he should heerin satisfie his subjects: That he did fynde his royall authoritye much injured by ther late petitions and declarationes, and by ther carriadge in the prosecuting of them: That he conceived them guiltye of punishment for thes convocations and petitiones without his authoritye; but since he tooke them to proceede from preposterouse zeale, and not from disloyaltie, he pardond what was past, so they will heerafter retreat and reteere home after his proclamatiōne: That he did discharge all such meetings, under paine of treason, in tyme comming: That none heerafter conveene wher the Councell should sitt without ther licence and warrant, and provost, baillies, and magistrattes to have a care therof in the respective townes, under all highest paines; That all who wer presently conveend at Sterling should departe from that cittye within six howres after his proclamatiōne, under the paine of treason, except actwall indwellers: That he was willing to accept of ther petitiones thereafter, provyding that neether the matter nor the forme of them wer prejudiciall to his royalle authoritye, &c.⁽¹⁾

They make
ready to protest
against
it.

XXXIII. This proclamatiōne was so weall knowne befor hande, that ther was a great conventione at Sterling, readye for to encounter the contents of it with a wryttne protestatione. The King, his proclamatiōne, was made at Strivling, and was mett with a protestatione ther, and at Linlithgow and Edinburgh the protestatione was repeated. The cheife who entred the protestatione wer the Earle of Hume, and the Lord Lindsey (afterward Earle of Craforde Lindsey, and Lord Thesawrer), who wer asisted with many of all rankes. But at the Crosse of Edinburgh, albeit it was made (as other whair) in the most solemne fashoone, by officers with sounde of trumpett, asisted with Heralds with Coate-arnes on ther backs, yet it was receaved, while it was reading, with jeiring and laughing of the mor unmanerly sorte; and, after it was ended, such was the conflux of people about

(1) [See the Large Declaration, pp. 48, 49, 50.]

the crosse, that either they suffered not, or the crowde was so thicke that the heralds and officers might not come off the crosse, but wer necessitate to stay and to heare ther protestatione against it, as if one authoritye had claimed aeqwall audience to bothe.* And, wherever it was proclaimed in any cittye of Scotland, the very same protestatione † was reade against it, albeit not evry wher with aeqwall confidence and misregarde. For in Aberdeen, in the north of Scotland, the Marquesse of Huntly, who, but a yeare befor, was come from Fraunce, by occasione of his father's death at Dundee, anno 1636, and was now succeeded to him in title, estate, and following, having left his company of Gendarmes, whom he commanded in Fraunce, under King Lewis Thirteenth, to waite upon that King (in the prosecutione of the Frensh King, his engadgment against the Emperor Ferdinand the Second and Charles Ducke of Lorraine), under the command of his lieutenant: The Marquesse of Huntly, I saye, dwelling this winter in Olde Aberdeene with all his familye, drew in a pairtye of his freendes and followers to countenance the foresaide proclamatione at the crosse of New Aberdeene, shortly after that it had been made at Stirlinge. And at that tyme ther came Andrew Frazer, Lord Mucholls,⁽¹⁾ and Alexander, Maister

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* Ther protesters had a scaffold, ordinarily erected opposite to the crosse, and ther stood the noblemen and other pryme men, and such as read the protestatione. It is reported that, at one of thes protestationes at Edinburgh crosse, Montrose, standing upp upon a puncheon that stood on the scaffold, the Earle of Rothesse, in jest, said to him, "James," saies he, "you will not be at rest till you be lifted upp ther above the rest in three fathom of a rope." This was afterward accomplished in earnest, in that same place: some say that the same supportes of the scaffold wer made use of at Montrose executione.

† The penner of all the Covenanters protestationes, and ther publicke papers mostly, was Mr. Archibald Johnston (afterward Lord Wareistoun), who is lyckwayes said to have been the cheife contryver of the Covenant, its frame; and to this pourpose, did tacke use of the Historye of the Civill Warres of Fraunce, wher he tooke his modell for thes public papers. This was related to me by him who at that tyme lent him that History, its three volumes, who is a neer relation of his. [The work referred to was no doubt that of Davila, and the person who lent it to him was, there can be as little question, Robert Burnet, subsequently raised to the bench with the title of Lord Crimond. He married a sister of Archibald Johnstone, by whom, besides other children, he had a son Gilbert, afterwards the well-known Bishop of Sarum. Our author was allied by affinity to the ancient house of Leys, of which Lord Crimond was a cadet. His elder brother, Robert, married Catherine, daughter of Sir Thomas Burnet, third baronet of Leys.]

(1) [Andrew Fraser was the second peer of his family. He is here designed Lord Muchalls, but his correct style was Lord Fraser. This misnomer, all but universal at the time, probably had its origin in feelings of jealousy on the part of the other wealthy and powerful branches of the house of Fraser. Shortly after the Restoration, an Act of Parliament was passed "in favours of the Lord Fraser for his tytyle of Lord Fraser." It sets forth that "some persones doe presume so far to slight and contemne his Majestie's Patent and

A. D. 1638. of Forbesse, with a number of other gentlemen, Forbesses and Frazers, who did cause reade the protestatione at the crosse, after that Huntlye had caused macke the proclamacione; which actione, on both handes, was performed with animositie enouch, specially upon the Forbesses ther pairte, who had not yet forgottne the old stryfes and bloodsheds that had past betuixt Huntly's family and followers and them, to ther frequent disadvauntage, in former tymes.* It seemed to all who looked on, that this dayes work was the beginning of a new ranckling of an old ill curd wounde.

After the reading of this protestatione, some of the Covenanters' party became so zealous against the Bishoppes, that, in Edinburgh, they rose in an uproare, and did runne to the lodgings of the Bishoppes of St. Andrewes, Galloway, and Brechin⁽¹⁾ (who at that tyme were in Edinburgh), with the full resolutione for to hange them upp instantly; and ther was appearance that they would not have failed for to putt ther project in execution, had it not been for the opposition of some noblemen of ther own party, who detested their insolent attempt, and opposed it couragiously, specially the Earle of Rothesse, who declared to the tumultuary Edinburghians, that if they tooke the lyfe of any of the Bishoppes, all of them who were noblemen and himself, for his pairt, would go to the King with ropes about ther neckes, which protestatione made them for to desiste.

The short summe of this so oftne repeated protestatione was, 1. That the seedes of superstitione and idolatrye wer palpable in the Service Booke, specially if it wer expounded or consterd according to the rule of the opinions presently taught and mantained in the Church of Englande: 2. Albeit it wer not so, yet that it was a noveltye, which the Scottish ought not to admitte off without breach of libertye, priveledges, lawes, and religion presently professed; specially since thes thinges wer obtruded upon them, against ther will, without consent or advyce sought or obtained of any Generall Assembly of the Church, who, in all matters ecclesiasticke,

royall pleasure therein exprest As by ther discourses and writeings, to give other names and designations then what are contained in the Patent;" and "discharges all his Majesties Subjects That none of them presume in discourses, writings or otherways to give him any other title or designations, as they will be ansuareable at their heist perrell."—Acts Parl. Scot., vol. vii., pp. 379, 380. The reader may likewise consult Riddell's Remarks on Scotch Peerage Law, pp. 79, 80. Edinb. 1833.]

* This opposition was not made to Huntly till fifth October, 1638. [See Spalding's Hist. of Troub., vol. i., p. 74.]

(1) [Dr. Walter Whitford was consecrated Bishop of Brechin in 1634. He died in England in 1643.]

had ever had the decisive voice: 3. That it was injustice for to barre them from accusing the Bishopps, whom they should prove to bee guiltie of many crymes; that ther eminent place ought not to secure them from punishment, being that such a practise would prove both hurtfull to church and commonwealthe: 4. They protest against the High Comissione, being a judicatorie grownded upon no knowne law nor preiveleidge, obtruded upon Scotland from an English modell, countrarie to the fundamentall lawes of Scottlande; that the only use of it was to establish the episcopell tyrannye, and that it was onely the meer spawn of the Spanish Inquisition: 5. That they did rejecte the Bishopps, as unaeqwall judges; and that they could not admitte them till they be tryed in ane indifferent judicatorie: 6. That all ther conventions and supplicationes to the Councell wer for no other ende but for preservatione of relligious pwritye against tyranny and innovations of the Bishopps; that necessarily they behoved for to keepe such sober meetings, and that they could not leave them off, except they would prove neglecters of God's glory and betrayers of the Kinge's honour, the liberty of church and commonwealthe. This is a short epitome of ther protestatione, which ther owne relationes affirms was reade at the crosse of Stirling, and else wher; and ane coppye therof affixed unto the mercatt crosse of Stirling. But to me it seemes that this protestatione of thers was rather afterwarde published in this straine then so reade at the first. For the coppye of that protestatione, as it stands printed verbatim with other papers of the lycke nature in the Large Manifesto ⁽¹⁾ (a booke, as after shall be related, much qwarelled at for lyes by them), differs from the forsaide narrative; for therein they macke a long repetitione how oftne they had givne in declinators against the Bishopps, and, lastly, at Dalkeithe; and that the Lordes of Councell ther conveend, had, by ther acte, promised to remove the Bishopps (the which acte is ther lyckwayes deneyd ever to have been graunted to remove the Bishopps from the Councell table); therfor, they doe declare, that they are forced to tacke instrumentes in the handes of notaryes, that ther declinator was now refoosed, and therfor they protest against them; besyde what is related, act third, etc., that all actes against them be null which have been past in the presence of the Bishopps at Councell; and that they be not bounde for to follow the use of thir innovationes; and that if the pressing of them upon anye breed mor trouble, that they may

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(1) [See the King's Large Declaration, pp. 50, 51, 52.]

A. D. 1638. — be holdne blamelesse, etc.: But there is little or no word of the first, second, and fourth articles of that protestatione, as they relate it in the forsaide print coppye set out by the King's warrant, though afterward he was forced to retreate it when they grew maisters. It is lyckwayes to be remembered, that this ther protestatione was superscryved "for God and the King," therefor its probable that the author of the Calme Relatione, printed in Holland, anno 1641, out of which I have transcryved the abridge of the saide protestatione, by this protestatione and declinator made at this tyme at Stirling, meanes the same protestatione, as it was enlarged and afterwards made upon a new occasione, and, for ease to himself and his reader, has made one of two.*

The King's
censure of
their protes-
tation.

XXXIV. The exceptions that the King⁽¹⁾ tooke at this protestatione for the materialls wer, 1stly, That it was iniquitye and injustice in them to demaunde the removall of the Bishoppes from the Councell table, and protesting that all actes done and past, whilst they satt ther, should be of themselves null, as if ther declyning of them for judges in itselfe wer eneuch to macke them no judges, but rather partye; reqwyring to remove them, and then they would prove ther crymes; the which the King thought all one, as if they would first condemne a man and afterwarde trye him. 2dly, That if ther protestations against the Bishoppes sitting in Councell, and declinator of the Councell's authoritye (neither of them admitted by the Councell), should macke some Councillers be parties, and invalidate all actes of Councell, so longe as thes Councillers, whom such men fancye to be parties should sitte ther; that behoved to invalidate all the actes of the General Assembly at Glasgow, 1638, because it was protested against by the Bishoppes and many others, and was declynd by them all as no judge competent, because the members therof had made themselves parties. Or, if that it wer replied that the Assembly repelled thes protestationes and declinators, as being ther competent judge; so they would do weall to remember, that ther protestationes against, and declinators from, the Bishoppes as judges, wer lyckwayes

* After the first protestatione, amongst others who did resort to Court, Sir William Elphinston of Orbestoune (or else Hamiltoune of Ormestoune) did goe to the King, and told him that they wer protesting against his proclamatione; the King enqwyred what that might meane; he said, that therby they declared that it was lawfull for them to rebel, and that after ther protestationes they would thriftier meete his Majestye with an army in the fields; that the way to settle them was not by proclamationes, but that the King would doe weall for to arme quickly, and goe for Scotland, and suppress the beginnings, otherwayes it would burst forth to a flaume, et cet.

(1) [See the King's Large Declaration, pp. 52, 53.]

repelled by the Councell. 3dly, The Kinge complained that the oftner they did petitione and protest, they did still enlarge ther demaundes and adde to ther greivaunces. But little did he know, that they wer animated therunto by such as the King tooke to have been for him; and not a little by his sitting still qwyett at London, without studying at this tyme how to repress ther tumultwary conventions any other way but by proclamations; which, if they be not seconded with power, are but buggbeares; for the wysest who saw this manner of proceeding judged that it had been better for the Kinge not to have commanded them to disband under no lesse penaltye then treasone, when he knew no present waye for to force them, in caise of disobedience. Heerby his commandes wer first rendered contemptible and ridiculouse; heerby lyckewayes ther was laide opne *Arcanum Imperii*. For both thes petitioners saw the Kinge's weacknesse, which made them sleight his commandes; and his commandes discovered his intentiones towards them, and the sence that he had of ther actinges, which he judged for the tyme past high misdemeanours; and now, by his Edicte, had engadged himself to punishe exemplarly in the following tyme, in caise they should remaine obstinate; whiche did but putt them upon ther gwarde for to provyde tymouslye for ther owne defence and securitye, and for putting home of that which was so prosperously begunne, and so successfully hitherto carried on.

XXXV. To which pourpose, much about this tyme and thereafter, ther was aboundance of armes beganne to be brought over out of Holland, pairtly for privatt use, and afterwarde for publicke service; towards which pourpose, one Thomas Cunninghame, then a factor at Campveer, in the Isle of Walker, was one of the cheefe provisors, and afterwards, for his faithfullnesse in the following yeares, he was made Lord Conservatour, by ther meanes who, from the beginning, had employed him, they having outed of that employment one Sir Patrick Drummond, for enclyning too much the Kinge's waye. And as armes beganne to be made readye, so lyckewayes officers and commanders beganne to be called home from Germany, in some numbers; and amongst others, Sir Alexander Lesly, of whom I spocke befor. Thir thinges I mention now, although mostly done this summer and the yeares following, for it was about this tyme that thes thinges beganne to be done. And as they beganne to looke about them for armes and souldiours, so lyckewayes by all meanes to sollicite all such as might be helpefull to them, in caise it should come to a warre betuixt the King and them, as afterward shall be related; for they had gottne some advertishment from Courte, that it was

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Arms and
ammunition
began to be
brought in-
to Scotland.

A.D. 1638. suggested to the King for to cutt off the heades or cheife men. This made them looke about them for to defend themselves ever after, as they pretended it to be the reason why suche as came to protest at Stirling conveened in such multitudes, least ther chiefe men should be surprysed and made prisoners.

THE COVE-
NANT pro-
jected.

XXXVI. From this convention at Stirling they goe towards Edin-
burghe; and ther the delegattes or Tables, of whom I made mention before,
beganne to turne from delegations to consultations; a fyft generall Table
being added, which consisted of commissioners chosne from the other four
Tables. The four Tables consulted of such thinges as wer meete to be pro-
posed at the generall Table; and whatever was concluded at the generall Table
was directed to the severalle Tables of the gentrye in all the severall shyres,
and ther receaved and putt in practise. True it is, that befor this tyme
most of ther worke that appeared, was drawing upp petitiones and calling
together their associatts; but now they beganne, after the King's last pro-
clamacione at Stirling, for to thinke of a stricker confederacye and union,
and no mor to acte lyke delegattes macking applicatione unto ane higher
judicatorye, but to grow a kynde of power and judicatorye co-ordinate and
contradistinctive from the Councell, or any other known judicatorye esta-
blished in Scottlande. This at first was thought by many a straunge and
unhearde of government, and in effect *imperium aedificatum in imperio*.
For to fastne them the mor indissolubly together, it was concluded by un-
animouse consent, that ther should be a Bande of mutwall associatione for
offence and defence; and this Bande to be sealed both withe oath and sub-
scriptione of all ther adherents. And because it was a matter that was pre-
tended mainly to concerne relligione, then it was thought fitte that the Con-
fessionne of Faith, or rather the Abjuracione of Poprye, subscryved by King
James the Sixth his warrant, anno 1581, and by the King's owne hande
that yeare, being about the fourteenth yeare of his age, should be sett in
the frontispeece, as a thing that no just exceptione could be tackne at, hav-
ing been once befor commanded to be subscrybed by all the kyngdome;
and that royall commande approved by actes of Generall Assemblies, and
rather antiqwated and prescrybed than rescinded by any posterior inhibi-
tione. This Negative Confessionne so much the rather was founde expedient
to be subscrybed, pairtly because many wer living as yet who had formerly,
in ther younger yeares, subscrybed it, and it was after the subscriptione
therof that episcopacye and Pearth Articles wer established; so either not
included ther, or, as it was after defynd in the Assembly of Glasgow, all

abjurd ther: But because the subscriptione of this Negative Little Confessione at this tyme, with the additiones and chaunges which now it was published with, (the wholl aggregate getting the name of THE COVENANT) is a thing that grew so remarkable afterwarde, as that it may be termed the epoche or great aera of the following revolutiones; that it may be the better knowne what it was, I shall speacke somwhatt particularly concerning the first originall heerof, for clearing of many materiall poyntes that depende upon the right understanding therof, and came afterwarde to be debated and much controverted.

A. D. 1638.

XXXVII. In the year 1560, Johnne Knoxe, with some others, did draw upp and present, in name of the Nationall Reformed Church of Scotland, a Confessione of Faith, distinguished into twenty-five articles; which being reade in presence of the parliament, holdne anno 1560, was ther ratifyd. This was six yeares before King James the Sixth was borne. In the yeare 1567, the next yeare after his birth, it was anew ratifyd in a parliament holdne at Edinburgh, in December that year; afterward it was printed in Latine, as it is to be seen in a booke called *Corpus et Syntagma Confessionum*. Now, it being ordained, that all recusants should give confessione of their faithe, according to the forme approved in the parliaments forsaide, as also, that all suspected of poprye should doe the lycke, and both such to subscrib the articles established by the Kinge's lawes; it was founde and discovered, in the yeare 1581, that certaine dispensationes wer sent from Rome, which being intercepted, ther tenour licenced and permitted Catholickes to promise, sweare, and subscribe, and doe what else should be requyred of them, so as in ther mynde they continowed firme, and did use ther diligence in secret for to advaunce the Roman faithe. This fell out much about the tyme that the Earle of Lennox (whom King James the Sixth had called home out of Fraunce not long befor) was converted from poperye. Thes dispensationes being shewed the King, he caused his minister, one Mr. Johnne Craige (for discovering and barring out such dissemblinge and equivocating seducers and persecutors), to forme and draw upp a short Confessione of Faithe, consenting to the forsaide Nationalle Confessione, by way of a generall confessione of the truth therof in all poyntes; as also containing a generall rejectione and abjuratiōe of all contrarye relligione and doctrine, with a speciall rehearsall and refusell, and particular abjuratiōe of the popish errors, and superstitions, and corruptiones, both in doctrine and outwarde rytes, and a clause inserted (because of thes dispensationes)

The history
of The Cove-
nant;

A. D. 1638. by which the subscribers did call God to wittnesse that, in ther myndes and heartes, they did fully agree to the saide Confessione, and did not faine nor dissemble in any sorte: further, they did acknowledge this the true Reformed Church, with an oath to continow in the obedience of the doctrine and discipline therof; and, according to ther calling and power, to defende the same all the dayes of ther lyfe, and to keepe dutye to the Kinge's Majestye, with solemne protestatione of ther sincere meaning, etc.

This Confessione, King James did, for example to others, publickly sweare and subscribe (being about fifteen yeares of age). The lycke was done by the Kinge's familye, all the Court and the Councell, and a mandate givne out by the King, commanding and charging all comissioners and ministers, to crave the same Confessione of ther parishoners, under the paine of forty pundes Scottish money, to be tackne from the ministers ther stipends. This edicte was subscribed by the Kinge's hande, the second daye of Marche, in the yeare 1580 (as the yeare then was counted, beginning at the twenty-fifth of Marche), but beginning in January (as now) it was done in the yeare 1581.

In the same yeare, 1581, ther wer heeld two Nationall Assemblies of the Church of Scottlande, one at Glasgow in Apryle; in the ninth session of which Assemblye, after the ende of the Booke of Policye, are thes wordes, "Anent the Confession of Faith lately set furth be the King's Majesties proclamatione, and subscribed be his Heines, The Kirk, in ane voyce, acknowledges the said Confessione, to be ane trew and Christiane Confession to be agriet unto be such as trewly professe Christ and his trew religion, and the tenor therof to be followit out as the samin is laid out in the said proclamatione."

The next Assembly, which mett that yeare at Edinburgh in October, sessione fifth, tells us "Forsuameikle as the King's Majestie, with advyce of his counsell, hes sett out and proclomit ane godly Confessione of Fayth, to be imbraceit be all his trew subjects, and be the same expressly giving commandment to the ministrie to proceed against whatsumever persones that will not acknowledge and subscribe the same, qwherein great negligence hes been seen, far by the dewtie and office of trew pastors: Theirfore the Kirk and Assemblie present, hes enjoynit and concludit, that all ministers and pastores within ther bounds, with all expedient and possible diligence, execute the tenor of his Majestie's proclamatione, betwixt and the next Synodall Assemblies of evrey province, and present befor the Synodall As-

semblies to the Moderator thereof, the dewtiefull diligence in this behalfe, to be reportit to the next Generall Assemblie of the Kirk, under the paine of deprivatione of the saids ministers from the functione of the ministrie, that beis negligent herein." Thus farr the wordes of the Assemblie, and by this meanes ther wer mor subscriptiones procurd to this confessionall abjuratiōe, which by some was called the King's Confessione, or the Negative Confessione. Anno 1590, in a Nationall Assembly, ther was an acte past for requyringe subscriptions to the saide Confessione. In the Synod holdne anno 1587, it was ordained that all who wer to enter into Universityes, or to tacke degrees of Maisters of Artes, etc. should subscribe the saide Negative Confessione; but I have not seen the wordes of the acte citted,⁽¹⁾ so that nothing can be made of that ordinance, as to the perpetuitye therof as a statute for Universityes, mor then for paroshins; nor is ther mention in after Assemblies of any further accompt requyred to be givne of the performance heerof, and for many yeares past it was not practised in Universityes, nor could such ane oathe be tackne by the most pairt, with judgement or knowingly. By all which it is apparent upon what accompt this Negative Confessione at first was published; as also, that it was at first authorised by a royall mandate, but by no law or acte of parliament for perpetwating the subscriptione therof. And for the Church ratificatione in the forsaide two Assemblies, it was no further but first ane allowance therof, as farr as it was agreeable to God's worde (further they could not allow); and next, in ther ordinance appoynting all the Scottish ministers at that tyme to obey the Kinge's commandement anent the said Confessione, under the paines above expressed, nothing is spokne in ther acte but with relatione to the Kinge's mandate, and only for that tyme, without any mentione of perpetwitye or tyme to come. Nor is ther any other immediate injunctiōe for craving this Confession of the people, except that only which did immediatly flow from the Kinge; so that ther was never befor the yeare 1638 any constitutione eccle-

A. D. 1638.

(1) [The act alluded to seems to be the following, passed in the ninth session of the Assembly which met at Edinburgh in 1587:—"No ministers of colledges or schooles shall receive in their colledges or schooles, any student or schollar, being of maturitie of age, quho refuses to subscribe the trew Religione presently establisched and professt, be the mercy of God, within this realme, or refuseing to participat the sacraments, under the paine of the censures of the Kirk; and farther, before any student be promovit to any degree in the universitie, that they shall, *toties quoties*, as they shall be promovit, subscribe *de novo*, urtherwayes their promotiones to be stayit, under the paine forsaide; and that the presbytries be diligent to sie the executione of this act, as they will answer to God."—Booke of the Universall Kirk, p. 318. Edinb. 1839.]

A. D. 1638. siasticall immediate, for exacting and reqwyring subscriptione to this Confessione, but only mediate by the intervencione of the Kinge's mandate; which, as longe as it stode, the force and matter of that Synodicall constitution, relatinge therunto, did remaine firme; but the mandate expyryng, or being tackne awaye, the Synodicall constitutione does lyckwayes expyre, and ceaseth to be of force, according to that knowne rule of the law, *Causa sublata tollitur constitutio ex illa causa orta.* And, for the mandate itself, it expyrd lyckwayes, longe befor it beganne to be subscribed againe; *et mortuo Mandatore expirat Mandatum*; and no ministers wer holdne for to exact subscriptiones therunto; for King James, when he came afterwarde to be King of Englande, in his conference with the Bishoppes and Clergye of Englande, at Hampton Courte, anno 1603, did disavow it publicly in the second dayes conference. For a certaine doctor ther, moving that this proposition, the intencione of the minister is not off the essence of the sacrament, might be added to the Booke of Articles, the rather because that some in England had preached it to be essentiall, the King refused to lett such a clause be insert in a positive Confessione, which would, by such a practise, macke the booke swell as bigg as a Byble; and instanced Mr. John Craige in Scotland, who, with his detestationes and abrenunciations, did so amaze the simple people, that, not able to conceave all, they gave over all; falling backe to Popery, or remaning in ignorance. Yet, said the King, "if I should have been bounde to his forme, the Confession of my faithe should have been in my table Booke, not in my heade." Here, it appears, the King intended no perpetuitye to this mandate.

its contents; XXXVIII. This new draught of the Confessione of Faithe (commonly called THE COVENANT), may be reduced to three pairtes, as it was drawne upp anew at this tyme by the contryvers (who for that pourpose, immediatly after ther returne from Sterling, conveend frequently at the Tables in Edinburgh).

The first pairt containes worde for worde the old Negative or Little Confessione, subscriybed anno 1581, of the occasione wherof I have already givne ane accompt; only ther is some discrepance in the bande of defence of the Kinge.

The second pairt of it containes a recittall of all actes of parliaments in favour of the reformed relligione, as weall doctrine and discipline against poperye; of which actes severall concerning church government wer reapealed by posterior actes of parliaments; yet all of them insert ther.

The third pairt of the Covenant containes ane applicatione of the old en- A. D. 1638.
gadge ment and lawes to the present state and conditione.

Now, because ther was somewhat doutsomely sett downe, which might im-
plye the abjuratiōe of episcopacye and Pearth Articles, to which severall
ministers had sworne at ther entrie, and therupon refoosed or might refoose to
tacke the Covenant, ther was a midst founde out to salve that. Which was that
all Ministers who wer admitted by Bishopps and had sworne to the obedience
of Pearth Articles, should engadge themselves only to abstaine from the prac-
tise of thes forsaid five Articles, till ther lauffulnesse should be further tryed
in a free lauffull Generall Assemblye; and that, insteade of abjuring epis-
copacye, all suche subscribents, as hade receaved ordinatione from Bishopps,
should promise to be asisting to ther outmost, that, in such a Synod as is
mentioned, church government should be strictlye examiend, what was it
that was lauffull and what the corruptions of it wer, and that they should
leave it free to a free lauffull Generall Assemblye, for to be conveend for to
determine by ther finall voice and decisiōe, whether or not episcopacye
wer one of thes corruptions of church government, and should stand ther-
after to ther voice and decisiōe.

But the upphott of all they made the Bande of mutwal defence; *first*,
promising to defende the King's persone and authoritye in the defence and
preservatione of the forsaide true religione against all persones whatsom-
ever; *second*, as also the mutwall defence and asistaunce evrye one of
another, in the cause forsaide, against all persones whatsoever; and, *last*
of all, ther is reformation of lyfe vowed, and all is closed with a great oathe
and imprecatione, in caise of non performance, etc.

XXXIX. The Covenant, which was the grand result and conclusion of is subscribed
the Tables at ther meeting in February,* 1638, was no sooner agreed upon
but instantly it was begunne to be subscriybed in Edinburgh first. And the
churches chosne out for that solemnitye was the Gray Freers church in Edin-
burgh; wher, after it had been reade over publickly and a long speeche had
been made by the Lord Lowdone in commendatione therof, Mr. Alexander
Henderson seconded him with a prayer, and then all fell to sweare and sub-
scriybe, some of the nobilitye leading the way. The first (as I am credibly
informed) was Johne Gordon, Earle of Sutherland, and the next was Sir
Andrew Murrey, Lord Balvard,⁽¹⁾ minister at Ebdy, in Fyfe: two noble-

* It beganne to be subscriybed in March. See ther protestation in July, 1638.

(1) [Sir Andrew Murray was not raised to the Peerage until 1641, when he was created Lord Balvard.]

A. D. 1638. men who, out of zeale to ther professione, without any by ende, thought it ane happinesse to be amongst the first subscribents and swearers to the Covenant. After them all that wer present ranne to the subscriptione of it, and then through the rest of the cittye it went, evry one contesting who might be first; and others, without further examination or questioning the articles therof, followng the example of others, women, young people, and servant maides, did sweare and hold upp ther handes to the Covenant. All who wer present at Edinburgh at that meeting in the moneth of Februarye, subscribed and swore to the Covenante befor they went from thence; and, at ther parting, ministers, and noblemen, and gentlemen, who wer weal affected to the cause, carryd coppyes therof along with them, or caused them to be wryttne out after ther returne to ther severall paroshines and counteys of Scotland. Which coppyes wer ordinarily wryttne upon great skinnes of parchment (for which cause at that tyme, in a wryttne pasqwell, the Covenant was termed The Constellatione upon the backe of Aries). And such as tooke coppyes along with them for to be subscribed, caused ordinarily such as had sworne or underwrytne ther names alreadye (if they were noblemen or ministers of note), for to sett too their hands anew to the several coppyes, that, wher themselves could not be present to invitte others, ther hand wrytte might be ther proxye. To sett off the great solemnity of this tacking the Covenant with the greater grace, there was one Mr. Thomas Abernethye (a new convert from popery, who laityly had been a seminary priest) reserved. This Mr. Thomas Abernethye was brought in publicke by Mr. Andrew Ramsey and a preface made concerning him, who was standing by in secular apperrall, who afterwards seconded Mr. Andrew Ramsey his discourse, and declared to the people how farr he had been missledd, and what great attemptes the pope and his conclave had been and was acting against Scotland, and did as yet continew to acte; and now shewed, with teares, that he was a lost sheepe, and begged for to have the licence to subscribe the Covenant, which was granted, and he was surrounded by the crowde of the devouter sexe present. Therafter he gott a benefice, and was comissioner at Glasgow, wherof I have his *diarium manuscriptum* in my handes. He was in armes, as a souldiour at the Bridg of Dee, and gloryd of a shot in his [] in Aberdeen [] at Rothemay of a perturbulent gentleman. Thomas Abernethy was bredd fifteen yeares in a seminary abroad, sent to Cattnesse [] as chamberlan; but in ende, begetting a maid ther with chyld, was deposed by his superiours and

deserted them, who wolde [] him no longer. This I had from Sir A. D. 1638
J. []⁽¹⁾

XL. The moneths of February, March, and Apryle, were mostlye spent in subscribing the Covenant; and all that tyme, and some whyle thereafter, in purchasing handes therunto. The greater that the number of subscribers grew, the mor imperiouse they wer in exacting subscriptiones from others who refoosed to subscribe; so that by degrees they proceeded to contumelys and exposing of many to injuryes and reproaches, and som wer threatned and beatne who durst refoose, specially in greatest cittyes (as lykwayes in other smaller townes), namely, at Edinburgh, Saint Andrews, Glasgow, Lanerke, and many other places. Gentlemen and noblemen carryd coppys of it about in ther portmantles and pocketts, reqwyring subscriptiones therunto and usinge ther utmost endeavours with ther freendes in private for to subscribe. It was subscribed publickly in churches, ministers exhorting ther people therunto. It was also subscribed and sworne privattly. All had power to tacke the oathe, and wer licenced and welcome to come in, and any that pleased had power and licence for to carye the Covenant about with him, and give the oathe to such as wer willinge to subscribe and sweare. And such was the zeale of many subscribers, that, for a whyle, many subscribed with teares on ther cheekes, and it is constantly reported that some did draw ther owne blood and used it in place of inke to underwrytte ther names. Such ministers as spokke most for it wer heard so passionatly and with such freqwencye, that churches could not containe ther hearers in cittyes; some of the devouter sexe (as if they had kepted

with much
fervency.

(1) [An account of a subsequent and more formal recantation made by Abernethy, was published under the title of "Abjuration of Poperie, by Thomas Abernethie, sometime Jesuite, but now penitent sinner and an unworthie Member of the true Reformed Church of God in Scotland, at Edinburgh, in the Grayfriar Church, the 24 of August, 1638. Printed at Edinburgh, in King James his College, by George Anderson, 1638." In this tract, as well as in another inserted by Wodrow in his History of the Sufferings of the Church of Scotland, Abernethy states that he lived in Caithness "more as an yeare, Chamerlane and Baillie to my Lord of Berriedail."—p. 9. Abernethy, it is believed, was descended from the family of Mayen in Rothiemay. This may, perhaps, help to explain the reference to that parish in the text, which has here unfortunately suffered mutilation. Abernethy is incidentally mentioned by Spalding, History of Troubles, vol. i, p. 147. He does not seem to have enjoyed much esteem either among Protestants or among Romanists. "The lightness and weakness of the man," says Burnet, "became afterwards so visible, that small account was made either of him or his story."—Memoires of the Hamiltons, p. 83. Gray of Scheves, a Romanist, in a letter dated from Vaison, 16th October, 1638, says of Abernethy, "no honest man had a good opinion of him, for he frequented heretics, went to heretics preaching, and lived with scandal." M.S. *penes* the Right Reverend Dr. Kyle.]

A D. 1638. vigills) keeping ther seates from Friday to Sunday, to gett the communione
givne them sittinge; some sitting allway let befor such sermones in the churches, for feare of lossing a rowme or place of hearing; or, at the least, some of ther handmaides sitting constantly ther all night till ther mistresses came to tack upp ther places and to releeve them; so that severall (as I had it from very sober and credible men), under that relligiouse confynment, wer forced to give waye to thes naturall necessityes which they could no longer containe, bedewng the pavements of churches with some other moysture then teares. Thes thinges will scarce be beleaved, but I relate them upon the credite of such as knew this to be truth. Nor wer they scrupulouse to give the Covenant to such as startled at any poynt therof, with such protestationes as, in some measure, wer destructive to the sence therof (as was seen in severall instances), so that they gott subscriptiones eneuch therunto. And it came to that height in ende, that such as refoosed to subscribe, wer accounted by the rest who subscribed, no better then papistes. Such ministers as did dissuade ther people from subscriptione, either they had eneuche adoe to mantaine themselves in ther paroshines; and howbeit, afterward, they did subscribe, yet other qwarells wer founde for to dryve them from ther stationes; or if not that, yet doe or saye what they pleased, they wer held in suspitione and not trusted; although it be true that some ministers who wer recusants at first, afterward did vey for zeale and activite with the first subscribers, by this meanes both redeeming ther delay of tyme and rubbing off all suspitione from themselves. Others wer forced for to flee and desert ther stationes and places, being persecuted by ther parishoners, specially such as had been active for the Bishoppes, and had been hastye to reade or commend the Service Booke or Booke of Canons. Many ministers at first, not being weall satisfed, refoosed to subscribe, at first pretendinge scruple of conscience, and some few (as we shall heare) wer scrupled indeede. Other ministers, as other men lyckwayes, hopefull that the cause would not prevaile, refoosed to sweare, fearing the King and Bishoppes would in ende be maisters, and questione all that was done. Some ministers who wer concernd in the Bishoppes, out of fashione, stood out for a whyle, and suffered ere they wer aware; fyndeng, too late to ther sadd experience, that the Bishoppes, ther propp, wer removed from them. It wer a longsome taske for to give ane accounte of all the particulars. Most of thes passages are fresh in the memoryes of many yet living, who, after some few yeares, fynding the effectes not answerable to ther expectatione of what was pro-

mised, became cold and remitted of ther former zeale; and not a few turnd A. D. 1638.
 as bitter enemyes to the Covenant as they wer at first fordward freends unto
 it, and dyed fighting against it, or suffered exemplar deathes upon scaffolds,
 for opposing that which once voluntarily they did engadge themselves to
 maintaine. All noblemen and gentlemen, and others, who wer wearyd of
 the present governement and malignd the episcopall greatnesse, readily
 embraced it, and most pairt or all ther followers by ther example. Minis-
 ters, who had ever been opposite to the Bishoppes and such ceremonyes as
 King James had established, subscrib'd with the first, and, by ther example,
 drew either most pairt of ther paroshins, or all of them, after them for to
 doe by ther example. Such ministers as refoosed they tooke paines to wonne
 over to ther syde by allurments and dispute, if they wer men otherwayes
 pious or painefull in ther calling or learnd; but if they knew them to be
 faultye, then they wer brought over with threates and terroure of church
 censures. Such ministers for a while stood out till they saw no shelter else
 wher, and then ther wer of them who wer glade to flee into the Covenant
 as a sanctuare. Instances of such might be givne, but I cease to rubb upon
 the crymes of severall such, who are removed and gone to ther place befor
 this tyme, some yet livinge and knowne to have come over upon that ac-
 compte. Finally, the feares of the mor zealous professors that religione
 was in hazard, the factious spirits of others, example, allurments, threates,
 terrors, brought over the multitude. The non-subscribers, on the other
 pairt, might be reduced either to 1stly, Papists, for it was destructive to ther
 professione: 2dly, Such as wold not engadge for displeasing the King, as
 houlding ther places of him, and consequently obnoxious to him; or others
 who, by ther refusall of the Covenant, thought one day to pleade merite and
 rewarde at the King's hande, without any furdre aime or reasone, being
 otherwayes not concerned in the matter of religione. Others wer non-sub-
 scribers, as being unsatisfied that the ceremonyes of the Church of Eng-
 lande, Pearthe Articles, and episcopacye, should be abjurd as poperye,
 they being already established: And others qwareld both with the abjur-
 inge of thes things for the maine as also for the formalitie of the oathe: they
 refused to accept of it as prest without and contrarie to authoritye, without
 necessitye, or for all thes causes together, of whom mor presently.

XLI. Albeit the subscriptione of the Covenant was carryd on, as to the
 multitude, in short space; yet this was but a declaring of men of the partye,
 who befor wer practiched upon, or had discovered themselves fully befor.

Covenanters
 solicit all to
 assist;

A. D. 1638. Nor wer they so inconsiderate as to fall to subscribye it publicklye, till they wer sure, underhande, of the greatest pairt of the kyngdome, who, for their power and number, might be able to beare downe all ther opposers. Nor wer underhande assuraunces wanting from Englande (for without that ther had been as many opposers as might have rendred the game hazardouse and desperat eneuch). As this did encourage them for to declare themselves, so it did quickly lett all be seene who wer either against them upon ther owne privatt accompt (thes wer all the papistes), or such as would owne the Kinge his authoritye, which was now beginning for to reele in Scotland; so that now they beganne to be distinguished by diverse names, as weall as factiones. Protestants and papistes, who wer non-subscribers, wer putt all in one predicament, and calld Anti-Covenanters; and all the subscribers wer called Covenanters, which names, afterwarde, chaunged into others aequivalent, as the face of affaires altered.

they solicit
Huntly;

XLII. Amongst all thes, within Scotland, ther was none whom they looked upon as a greater blocke, and a more dangerouse *remora*, then George Gordon, Marquesse of Huntly, of whom I spoke a little befor. For the King, fynding thinges lycke to come to further trouble, had at last tackne the allarum, and beganne, behynde tyme, to looke about him for assistaunce. Little he could expect in England, which was generally mutined; and it was uncertaine whom he might trust too in Scotland; for either they wer actually engadged against him, and forstalld already, or wer falling off from him dayly, or if they wer for him, inconsiderable in comparison of the Covenanters. Yet suche wer not altogether wanting, and amongst the first who, with little difficultye, declared for him, was Huntlye; who heerin did thinke, that he but walked in the stepps of his predecessors, whose fashion it was alwayes to owne their princes interest in the tymes that the Kings wer brought lowest. Nor wer the Covenanter noblemen ignorant what helpe he might be to ther cause, if he wer wonne in to ther syde; therfor, they resolve, by faire meanes and allurments, first to trye him. Huntly, in his younger yeares, had been bredd up at court with Prince Henrye and the present King, then Ducke of Yorke, and principled in the protestant relligione, acording as it is professed in the Church of Englande, and that by King James' speciall oversight and appoyntment; who was very sensible what trouble it had bredd him, from tyme to tyme, for to protect the old Marquesse of Huntlye, who, being of the Romish professione, was therfor much hated in Scotland by the stricker sort of protestants, and therfor had

tackne his eldest sonne from him, that by this meanes he might one day be as usefull for the promovall of the reformd relligione as his father had been hurtfull thertoo. But his court breeding, and abode ther, and afterwards goinge to the court of Fraunce, had putt him to greater expence then his old father would allow or pay off, so that his creditors behoved to live in expectatione of payment when he should succede to his father's place. Two yeares ere now, he was entred into his father's place and estate; but unable in that short space (though his estate be greate) for to pay off his debt. To him, therfor, they send a comissioner: this was one Collonel Robert Munroe, who, not long befor, having come over from the German warre (wher he had served under the Swede), had offered his service to King Charles at London, but not being tackne notice of, as he expected, or as his offer deserved, entred into covenant with others at this tyme, and shortly by them was employed both in Scotland and Irelande. Him they thought meetest to entrust with ther instructiones to Huntlye, by the Earle of Rothesse advyce; who, in name and with warrant from the rest, sent Munroe to Huntlye, conceiving that he would be as welcome as any; being, that betuixt Huntleye's familye and this Monroes ther had been a long correspondence; next, he was a gentleman of some breeding, and could speacke like a souldiour, and durst speacke freely, and lately come from courte; and, as he could best enforme the state of affaires, so, being a strainger at home, in some measure, he would be best beleaved. The summe of his comissione to Huntlye was, that the noblemen Covenanters wer desyrrouse that he should joyne with them in the common cause; that if he would doe so, and tacke the Covenant, they would give him the first place, and macke him leader of ther forces; and, furder, they would macke his state and his fortunes greater then ever they wer; and, morover, they should paye off and discharge all his dettes, which they knew to be about ane hundereth thousand poundes sterling; that ther forces and associatts wer an hundereth to one with the King; and, therfor, it was to no pourpose for him to tacke upp armes against them, for, if he refoosed ther offer and declared against them, they should fynde meanes to disable him for to helpe the Kinge; and, morover, they knew how to undoe him; and bidd him expect that they will ruinate his familye and estate. How both thes threatens wer effectuate afterwarde, shall be told in its owne place.

XLIII. To this proposition Huntly gave a short and resloute *reparti*; that his familye had risne and stode by the Kings of Scotland; and, for

A. D. 1638.

he refuses it.

A. D. 1638. his part, if the event provd the ruine of this King, he was resolved to bury his lyfe, honours, and estate under the rubbidge of the King his ruines; but, withall, thanked the gentleman who had brought the comissione, and had advysed him therunto, as proceeding from one whom he tooke for a freende and good willer, and urgd out of a good intention to him. Of thes things Huntly did advertish the King, letting him know what was lycke to fall out shortly, if not preveend. But little or nothing did passe betuixt the King and him after thes tymes, nor betuixt the King and his other trustees in Scotland or England, but the Covenanters had notice therof, by meanes of the groomes of the bedd chamber, particularly Mr. Mauld of Panmoor (afterward Earle), James Maxwell of Innerwicke, and William Murrey, nephew to Mr. Robert Murrey, minister at Methven, besyde other courtiers. Thes groomes made bold with the King's pocketts at night, and tooke out such letters as he had receaved; if, of importance, they copyd them out, putting up the principalls into the King's pocketts, and dispatching the copyes accordinge to the present exigent. This was so weall knowne that, on a tyme, Archbishop Lawd, wrytting to the King, spared not to adde to the letter, being of consequence, "I beseeche you, Sir, trust not your owne pocketts with this," alluding to his bedd chamber groomes, their practise. This shall suffice, at this tyme, to have tackne notice of, that it may be knowne how most of the King's counsellis and freendes came to be discovered, betrayed, and all ther actings dasht in the cradle and infancye. But Huntly, as I have already spokne, beganne about this tyme for to asiste the King's proclamations at Aberdeene; and, for the most part, all his freendes and followers, both in the Low Countrey and in the Highlandes, did generally refoose at this tyme for to tacke the Covenant, therto moved eqwally by his example and diligence, and ther owne inclinatione. This great blocke being founde unremovable by faire meanes, made them ever after have a speciall care how to plucke it upp, by strenth of hande and sleight conjoyned; for ever, from that tyme forwards, they had ane speciall eye to Huntly's motiones, and fell upon him with the first of ther opposers.

Dr. John
Forbes writes
against it;

XLIV. Now albeit the Covenant, at its first coming abroad, gotte a world of followers, yet instantly some beganne with ther pennes to assault it. Amongst the first of thes was Doctor Johne Forbess, laird of Coirse, the most learnd and piouse professor of divinitye in the Universitye of Aberdeene. He, upon the advertishment of the subscriptione of the Negative Confessione, did instantly put out a small pamphlett called "A Peace-

able Warning to the Subjectes in Scotland,"⁽¹⁾ dedicated to the Marquesse of Huntly, first in wrytte; but some expressiones and the dedicatione to Huntly wer so ill tackne by the Covenanters, that shortly afterwards he was necessitated for to putt out the coppy therof in printe, in termes as he conceived smother. But that which he wrott was as little pleasing to the Covenanters as his *Irenicum*,⁽²⁾ wryttne by him, and published anno 1629, had been befor to the antiepiscopeall ministers.

A. D. 1638.

In his Warning, he shewed that the Negative Confessione was not a perpetwall statute, and gave such reasones as I have alreadye shewed to prove it. He concluded that it was not expedient to subscribe it, both for its ambiguityes and difficultyes. *First*, ambiguitye, because some ministers did therby conceive episcopacye and the fyve Articles of Pearthe are condemned as anti-christian and abominable, and that sitting at the communion was the only lawfull gesture; which doctrines, if they received them, they both condemned antiquitye and many famouse reformed churches in Brittain, Fraunce, Germany, and elsewhere, so that if any Scottish man should come ther he could not communicate with thes churches. *Next*, he shewed that such a practise and oathe was repugnant to the twentieth article of the Nationall Confession, noted twenty-first in the printed parliament, anno 1567, wher it is saide that power was denyd to generall councells to make any perpetwall lawe which God befor hath not made; and much more to this purpose wherof ther will be more conveniencye to speake hereafter. What past of dispute betuixt thes who came to Aberdeene for to presse the Covenant in July afterwards this yeare, and the divynes of Aberdeene, shall be told in its owne place.

XLV. And as the professor of divinity in Aberdeene did declare against it, so did lyckewayes others in Saint Andrews doe the lycke, but only in wrytting, so they are not to be seen commonly. In the Colledge of Glasgow, some of the regents refoosed for to subscribe it, and other members of that Universitye tooke it with interpretationes and limitationes, destructive (as

and some others.

(1) [A pamphlet which appeared in the same year, "An Answer to M. I. Forbes of Corse His peaceable Warning. Printed, Anno Dom. 1638," has been generally attributed to Calderwood.]

(2) [*Irenicum Amatoribus veritatis et pacis in ecclesia Scoticana. Prece et studio Ioannis Forbesii, SS. Theologiae Doctoris, et ejusdem Professoris in Academia Aberdoniensi. Aberdoniae, Excebat Edvardus Rabanus. Cum Privilegio. 1629.* The tract, as it was subsequently revised by the author, appears in the edition of Dr. Forbes' whole works, which was published by the Wetsteins at Amsterdam, in 1703.]

A. D. 1638. is reported) to the very foundatione therof. And in the Colledge of Edinburgh, two regents* of four wer expelld out of ther places for refoosing to subscribe it, and the same gentlemen, and lawiers of note for piety and learninge, giving ther reasones why they could not subscribe, insteade of answers, wer persecuted so as they wer forced to flee out of the kyngdome for a tyme. The ministers of Charentone, in Fraunce, wer therwith unsatisfied; and the professors and ministers of Geneva so much displeased that, shortly after, Mr. Johne Diodati, a learned minister, did wrytte against it. The Covenanted cabal or presbyterian party, about this time, worott to the church of Geneva and that of Suitzerland for ther advyce for turning out of Bishoppes, and ther approbatione therof. Mr. Johne Diodati, minister at Geneva, was delegated by the rest of the ministers of Geneva, and the adjacent places, for to declare ther opinione to the church of Scotland, which was as follows, viz.: That for ther republicke and constitutione they founde presbytrye most agreeable or necessarye, so behoved to owne it; but as for thoise of Scotland it was fittest for them to close with and retane episcopacy as most agreeable to monarchick government. Thes letters, wryttne by Mr. John Diodati, to the stickling faction of the aspyring and then hopefull presbyterianes, wer sent unto ther pryme men, and being contrary to ther designe wer qwytte suppressed. This did Mr. John Diodati declare to Sir Robert Fletcher of Saltoune, who sojourned half a yeare in Geneva, at the said Diodati's table, and complaned that his letters wer suppressed. Sir Robert Fletcher returning home, and fynding all in combustione by the Covenant, was silent of Diodati's letters, except to some freendes, fearinge not to be trusted, the said Sir Robert Fletcher being a royalest. But the present Archbald, Earl of Argyll, coming thither about anno 1647, and sojourning in Geneva, and falling in acqwayntance with Mr. Diodati, he related to him what had passed betuixt the Covenanters and him about the matter of episcopacy. At the present Earl of Argyll, his returne to Scottlande [] governour to the said Earle, when he was abroade, related that which Diodati had told formerly to Sir Robert Fletcher of Saltone, who durst not be hardye anent Diodati's relatione till the forsaide [] governour to Argyll did give his tes-

* Mr. R. B., elder. [These initials probably stand for the name of Mr. Robert Burn. From the records of the Town Council of Edinburgh, it appears that, in 1638, "Mr. Robert Burn and Mr. John Rankine, Regents, were deposed by the Magistrates and Ministers, because thought expedient, they holding their places at will allenarly." Hist. Univ. Edinb. vol. ii. p. 402.]

timony therunto. This passage and relatione I had givne to me by Sir Andrew Fletcher of Aberladye, younger brother to the said Sir Robert Fletcher, at my oun house, on December fifteenth, 1673, before wittnesses, J. G., Rothemay, and his nephwe, G. M., Pittfodells,⁽¹⁾ and ther servants.* The lycke did Dr. Andrew Rivett, professor in Leyden. The wrytting of the first is extant in print, and Dr. Rivett's letters were directed to one of the Generall Assemblies that ensued in the followng yeares, but for the unpleasing contents therof it was suppressed. Many Jesuittes flocked over to Scotland and England, to fish in the waters that wer now begunne to be troubled.

A. D. 1638.

XLVI. The exceptiones that the King tooke against it how soon it was brought unto him wer as followethe :⁽²⁾ *Firstly*, By what authoritye they entred in Covenant or exacte ane oath from subjectes, seing that no publicke oathe could be administred but by the magistrate or delegate, seing that power of giving oathes is ane badge annexed to authoritye? As for his father's subscriptione, which they made a president in steade of law, which was done anno 1580, 1581, and 1590; he shewed that the Confessione of Faith and Covenant was not commanded to be subscrybed by him, nor by order of his Councell, nor by any acte of the Generall Assembly, as that was; that if they replyed since it was once commanded it was still in vigour, he answered that indeed might be a grownde or president for him or his Councell to enjoyne it anew as they saw cause, but that the repetition therof did still presume the same authoritye by which it was first enjoyned: That themselves confessed the first injuncione therof to have beene by the King his father, anno 1580 and 1581, and by ordinance of the Secrett Councell; and that it was renewed by a new ordinance of the Councell, anno 1590, as they confessed, at the desyre of the Generall Assemblye (which, in thiose dayes, was at the highest, and used not then to derogate from ther owne power), which implied that it could be renewed by no other authoritye but that of King and Councell: That they had printed befor the Covenant King James his warrant to all ministers to returne to the ministers of his house the names and processes of such as should refuse the oathe, as also his warrant

The Kings
exceptions
against it.

(1) [These initials apparently indicate John Gordon, laird of Rothiemay, and Gilbert Menzies of Pitfoddels. The latter family was allied in marriage to the Fletchers of Innerpeffer.]

* Sir Robert Fletcher and Sir Andrew Fletcher are both sonnes unto the late Sir Andrew Fletcher, Lord Innerpeffer, sometymes Lord of the Session.

(2) [See the King's Large Declaration, pp. 66—75.]

A. D. 1638. commanding ministers to presse it; but it was weall knowne that none of all this had preceeded the Covenant (but, on the contrary, as afterwards shall be related, they would not tacke the oathe, being enjoyned by the King's authoritye). All this, he said, was pulling downe authoritye, and setting themselves upp in the place therof; and for the subscriptione of the Covenant, it was the overthrow therof.

Secondly, Suppose they had gottne power to give that oathe, yet thatt the authoritye which mackes a law only must interprett it, so it was either his father's or his successor's pairt to interprett it; that therfor the interpretatione givne by the Tables, "That this Confession is to bee interpreted, and ought to be understood of all the pretended Novations, no lesse then if everie one of them had beene expressed in the said Confession," was false, ridiculouse, and absurde; being that such as framed that Confession wer deade, and wer never asked that questione; therfor it was absurd to macke men sweare what the mynde of thes men was concerning Pearth Articles, Service Booke, Canons, and High Comissione, which, in ther lyves, they heard not of, nor dreamd of the introduction of; or that they meant thes thinges to be Romish superstitious innovations, who knew not of them at all: That as, on the one pairt, they gave the oath in the forsaide absurd sence to such as would tacke it, wherin they shewed mor witt then honestye, so, upon the other pairt, when ministers excepted against that interpretatione (viz. that Pearth Articles, etc. could not be then abjured,) and did tacke the oathe with that protestatione that thes things wer not abjured, therby it was a notable Jesuiticall aequivocatione for to give them the oathe in such a sence, as was contrary to the grammaticall sence of the oathe itself, especially in that pairt of it which containeth the interpretatione of the Confession.

Thirdly, That as without authoritye they had added to the text of the Confession, and interpreted it without authoritye; so they had flattly, against authoritye, added to the very texte of the Band of maintenance. The former Bande being "In defence of Us, Our authoritie and Persone, with their fortunes, bodies and lives, in defence of the Gospel of Christ, and liberties of that Our Kingdome," etc.; in place therof, they had added a mutwall defence of one another; so that the band which at first was made against such who went about for to corresponde with forreiners for subversione of the kyngdome, was now made against all persones whatsoever who should oppose ther courses. Yet such a band, once for him, was now made against him if

he oppose ther courses, and against all his loyall subjectes, if they should adhere to his defence and authoritye; for the words "against all persons whatsoever," not excepting him the King, could meane no lesse: That it was absurde to say that his father had ever intended to cause sweare an oath which might macke against himself or his successors: That in one sentence to sweare for to defende him against all, and in the next to defende one another against him, was to stroacke him, and stricke him, to blow hott and colde with one breathe.

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Fourthly, How they could defende themselves from being lyable to punishment for moving of seditione and disturbing the publicke peace of the kyngdome; since the knowne lawes of the launde did declare expressly that all leagues of subjectes amongst themselves, without the privitye and approbatione of the Kinge, to be seditiouse, and the authors to be punished as movers of seditione; particularly the tenth parliament of James the Sixth, acte twelfth; and the ninth parliament of Queen Mary, acte seventy fifth: Whereas it was weall knowne that his consent was never graunted; no, not so much as ever sought to ther Covenant: And as he thought thes thinges would be hardly ansuered by anye who understoode government, so he desyrd to know how they could ansuer for it to divynes abroade, and the universityes at home, in the case of conscience; how an oathe (much lesse an unlauffull one) such as this could be administred to any prince his subjectes contrarie to his consent, and without his authoritye; that they had never yet consulted upon it with universityes at home, nor ansuered ther reasons against such an oathe, but had persecuted the members of the respective universities who opposed them: That in ther Covenant they had swelled above all that ever they did complaine of in ther tumults and petitiones, complaining then only against Service Booke and Canons, but now in ther Covenant they will have Pearth Articles abolished, though established by acts of parliament and assemblie: They complaine of the High Comissione, which, since 1609, has been qwyettly established: They qwarell Bishopps, ther sitting in civil judicatoryes; which was to depryve the King of the abilityes of his subjectes for ther asistaunce; and that it was no incongruitye for church men to sitt at the Councell table, wher many causes are hearde in which relligione is concerned, nor to sitt in sessione wher churche men have tryall for ther mantenance; whilst themselves mantane it to be *de jure divino*, that laicke men of all rankes, nay, and mechanicall tradesmen, may sitt in church judicatoryes, and give ther decisive sentence in the highest ecclesiastical

A. D. 1638. cases and church censurs, nay, and depyving of ministers, nay, and in a Generall Assembly, as in Glasgow Assembly, 1638, not only rescinde actes of parliament, but lyckwayes determine all questiones *de fide cultu et disciplina*, and some of the most intricate controversyes, such as predestinatione, universall grace, irresistibility of grace, etc.: That papistes abroad were rejoiced at it, and many protestants abroad had greatt sadness therby, and concluded it to be ane indelible scandall on the reformed churches: That it wold prove a meanes for to alienat the myndes of all Christian princes from entertaining a good thought of the reformed religion: That the consequence of that Covenant behoved to be very prodigious, which brought joye to his enemyes, and greife to freendes.

Lastly, That it looked not lycke a thing approved of God, which was begunne and carryed on with fury and maddnesse, and obtruded upon people with threatnings, tearing of clothes, drawing of blood, and exposing of many thousands unto injuryes and reproaches, and ministers to contempt and banishment.

Earl of Strafford counters it in Ireland.

XLVII. The Covenant being thus sett on foote and subscribed in Scotland, did shortly afterward give the allarum unto Thomas Wentworth, Earle of Strafford, at this tyme Lord-Deputye of Irelande, who thought it no tyme to sleepe whilst they were bussye; and seing that a great number of Scottish were inhabitantes of Ireland, suspecting that the Covenant might be sent over to Ireland to gett subscriptiones ther amongst the Scottish, resolved therfor to counter it by an oath, wherby all Scottish men were commanded to sweare obedience to the King, and abjure the Covenant, in so farr as it was prejudiciall to the King's authority.* This oathe he pressed upon the Scottish this yeare, 1638, with as much animositye as the Covenant was pressing in Scotland; whence it came to passe that such as enclyned the Covenant waye, either were forced to abjure it, or suffer this oathe, made some ministers tacke voluntary banishment upon them, and forsacke Ireland. But it was one of thes causes which afterwarde moved the Covenanters to accuse and persecute the Earl of Strafford with such implacable an odium, as helped to bring him to the scaffold.

Prodigies heard.

XLVIII. As the subscriptione of the Covenant did portende the following revolutiones, so ther wanted not prodigies this yeare, which, in ane inar-

* The tenour of this oathe was, that they shall never "take armes against their King, nor protest against him, but to obey his royall commands."—See Lysimachus Nicanor, p. 71.

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ticulat language, foretold the followinge warre and miseryes. I shall not macke mentione of all the visiones of armyes and things of this nature that wer noysed to have been seen and heard in diverse places; contenting mysele with the relatione of thes as certaine, which, for the truthe, are above all exceptione and out of questione. Such thinges flowing from no naturall cause, cannot but be esteemed prodigiouse; amongst which one of the most remarkable was the beating or tucking of drumms frequently heard this winter, 1638, and in the end of the preceeding yeare, 1637, in the countye of Marre, in the north of Scotland, not fully twell myles westwards from Aberdeen. That countrye is hillye and mountainouse; and ther is a hill, distant but about a myle westward from the mannor place of Eycht; the hill beares the name of Duneycht (or, to wrytte it truly, Dun Picté). Upon the topp of this swelling hill (whiche is situate easterly and contigouse with the mountaines called the Hill of Faire, famouse for the defeate and slaughter of George Earle of Huntly, by James Earle of Murray, at Corrichy, hard by) ther are to be seen old ruined walles and trenshes, which the people, by a received traditione, affirme to have been built at such tyme as the Pictes wer maisters of Marre.⁽¹⁾ Upon the toppe of this said hill of Duneight, it was that, for the space of all the winter, almost evry night, drumms wer hearde beatne about four a clocke, the parade or reteering of the gwardes ther taptoos, ther reveilles and marches distinctly. And eare wittnesses, souldiours of credite,* have told me that, when the parade was beating, they could discernen when the drumer walked towards them, or when he turned about, as the fashion is for drummers, to walk too and again, upon the heade or front of a company drawne upp. At such tymes, also, they could distinguish the marches of severall nationes; and the first marches that wer heard ther was the Scottish marche; afterward the Irish marche was hearde; then the English marche. But before thes noyses ceased, thes who had been trained up much of ther lyves abroade in the German warres, affirmed that they could perfectly, by their hearing, discernen the marches upon the drumme, of

(1) [This remarkable structure is alluded to by Alexander Gordon, in his *Itinerarium Septentrionale*, p. 162. Lond. 1726. A description and drawings of it, by James Skene of Rubislaw, Esquire, will be found in the *Archaeologia Scotica*, vol. ii. p. 327, plates vii. and viii. It is now known by the name of The Barmekyne of Echt; its dimensions are perhaps greater than those of any other fort of the same kind in Scotland. Similar fortifications have recently been observed in France.—See *Mém. de la Soc. des Antiq. de la Normandie* tome v. pag. xxxviii., xxxix.; *Mém. de la Soc. Roy. des Antiq. des France*, tome vii. pag. xxxiv.]

* G. F.

H

A. D. 1638. severall forraine nationes of Europe, such as Frensh, Dutch, Danes, etc.

Thes drumms wer so constantly heard, that all the countrey people next adjacent wer therwith accustomed; and sometymes thes drummers wer heard off that hill, in places two or three myle distant. Some people in the night, travelling neer by the Loche of Skeene, within three myle of that hill, wer frighted with the lowde noyse of drummes, struck hard by them, which did convey them along the way, but saw nothing; as I had it oftne from such as heard these noyses, from the laird of Skeen and his lady, from the laird Eycht, etc., and my owne wyfe, then living ther in Skeene all that winter, almost immediatly after that the people thus terrifyed had come and told it with affrightment. Some gentlemen of knowne integritye and truth,* affirmed that, neer thes places, they heard as perfect shott of cannon goe off as ever they heard at the Battell of Nordlingen,⁽¹⁾ wher themselves, some yeares befor, had been present. I shall not give yow so long ane accompt of that vision of an army, seen within four myles of Banfe, upon the Hill of Manderlye,⁽²⁾ being but once seene, and the witnesses but few and obscure, upon whose credite lett it lye. About the same tyme, in winter lyckwayes, ther was heard a greate noyse of songes, and musicke upon several instruments, in a parosh landward churche, in Buchanne, called the Kirke of Rethine; but when the people opned the churche doors, and came in to see what it was, they neither heard nor saw anything; only ther was heard from a loft (or from the topp of the pulpitt, as some reported) within the churche, a greate long stroke, as it had been strucke upon a *viole de gambo*. But howbeit the report was never controulld, and was instantly divulged, after it fell out, yet, having fallne out but once, and I never having spocke with any eare wnesse, I leave it uncertaine to be beleevd or not, as any shall be pleased; and I proceede in the series of my begunne narratione.

The King
advertised
anew.

XLIX. The Councell, perceiving that the flamme was growne greater then to be quenshed by ther power, with one consent, do send Sir John Hamiltoun of Orbestoun, Justice-Clerke, one of their owne number, as also

* A. F. Major.

(1) [The battle of Nordlingen was fought on the twenty-seventh August, 1634, between the Imperialists, commanded by Ferdinand, the King of Hungary, and the Protestants, led by Duke Bernard of Saxe Weimar, and General Horn. Many Scotsmen distinguished themselves in the conflict. See Sir Robert Gordon's *Genealogical History of the Earldom of Sutherland*, pp. 471-472.]

(2) [The hill of Manderlye, now written Maunderlee, lies on the borders of the parishes of Marnoch and Alvah. Traditions of this apparition still linger in the neighbourhood. Similar visions, it is there believed, preceded the battle of Culloden.]

one of the Lords of the Sessione, to London, in the moneth of Marche, to acqwaynte the King fully with all that had past, and to forwarne him of the consequences therof, and that if speedy preventione wer not used, it wold passe all helpe. And thither also many of the Bishoppes were glade to goe; for so greate praejudice had the Covenanters conceived against them, that Scotland was growne too hott for them to stay in. Thes, at ther comming, did second to the full, the reporte that Sir Johne Hamiltoune brought. Some other Lords of the Councell the King calld for also; and, with ther asist-
aunce and advyce of the Councell of England, he enters upon consultatione what was meetest to be done. At last it was concluded, that James Marquesse of Hamiltoune should be directed to Scotland, with full power of a Comissioner for the King, as had been practised befor in such cases, both by his father and himselfe. Meane whyle, the King poastes backe Sir Johne Hamiltoune for to give notice therof, and to desyre them to carry themselves qwyettly until the comming of Marquesse Hamiltoune his Comissioner, from whom theye should expect to know his pleasure, with all favour, that might consist with his royall authoritye; as also, that befor his Comissioner's comming, they might have tyme to macke him acqwaynt with the outermost of ther greivaunces, that so accordingly he might give instructions to his Comissioner Hamiltoune, for giving them all just satisfactione.

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L. Ther wer two reasones which moved the King for to give Hamiltoune such ample comissione as he receaved, which was as full as ever any Comissioner had receaved from his father to parliaments: The first, because he knew him to be a zealouse patriot towards his native countrey; and heerin he was not mistackne, for if the Lord of Rhee⁽¹⁾ spoke truthe, befor that Scotland had been harmd by the King's misgovernement, he had rather been King himselfe: The King's other reasone was his knowne fidelitye to him; but how faithfully he carryd himself to the King in all his employments shall be told afterwarde. For it is very weall knowne that the great error which broughte the Kinge to his ruine in ende, and undid all in the beginning, was his too greate trust he placed in a number of his courtiers who wer his underhand enemyes. And amongst thes non proved mor hurtfull to

Marquis Hamilton sent
Commiss-
sioner to
Scotland;

(1) [An account of this affair will be found in Sir Robert Gordon's History of the Earldom of Sutherland, or in any other annalist of the period. Among Selden's Manuscripts, in the Library of Lincoln's Inn, is preserved a piece entitled "Proceedings in the case of Donald Lord Reay and David Ramsay, 1631."—General Report of Record Commissioners, 1837, app. p. 375.]

A. D. 1638. the King then James Marquesse of Hamiltoune, under pretext of fidelitie; ——— for both he did communicat all the Kinge's counsell and projectes unto the Covenanters, as lyckewayes in the progresse of the followinge warr he abused the Marquesse of Huntly, who trusted him as simply as the King did, and rendred Huntly's power not only useless to the King, but in ende brought him lyckewayes to ruine; as shall be related in its place in the particulars.

is suspected. LI. The author of the Large Declaratione, Dr. Walter Balcanquell, who with the King's owne particular oversight worott that booke, was a depender of Marquesse Hamiltounes; and therfor whatever he relates of the actiones of Hamiltoune he has heightned them in ther colours to the fullest advantage, concealing the worst. And therfor, as his booke was both qwarelled afterwards by parliaments and assemblyes as full of lyes, for having related all the Covenanters actiones in the worst sence; so ther lyes certainlye as just exceptione against him for having belyd Hamiltoune to the better hande: Wherin his fault was greater then the King's in so doinge; for albeit that relatione was penned with the King's approbatione, the matters of fact therein the King had mostly upon trust, and Hamiltoune's actings mostly upon Balcanquell's trust, who was eye wittnesse to a considerable pairt of them and therby might have easily judged of the rest; so that it will be hard for to vindicate Balcanquell from putting so fair a varnish as he has done upon so foule actings as Hamiltoune was guilty of: But tyme has discovered and laide opne ere now much of that which, at the first, was mysteriouse in men's actiones; and evry one must have his dwe without favour or hatred or envye, whose heate peirces seldome so deepe as the grave, or if it doe, it meetes with as much ice and cold ther as to extinguish its scorching flammes.

Bishops flee to the King. LII. Befor the Marquesse of Hamiltoune tacking journey to Scotland, the King was forcasting, in caise it came to the worst, how to settle the combustion, and mor diligently then ever for to enqwyre after such as had declared for him in Scotland, or at least had not tackne the Covenant of whom he might have hopes. And of thiose, such of the Bishopps as wer come ther gave him as full accompt as they durst stave for to tacke. For some of them, particularly John Maxwell, Bishopp of Rosse (who was growne mor hatefull almost then any of the rest of the Bishopps for his zeale to the Service Booke), had about this tyme made a retreate, little better then a chase and flight, from his Bishopps Sea, for the cold climat of Rosse was now en-

flammed * with such an heate, that, at his crossing the Firth of Ardisheer, which partes Rosse from Murreye, in despight to ther Bishopp, the people tore in peeces such coppies of the Service Booke as he had established for publicke use in the Chanrye church of Rosse, and threw the leaves therof into the sea, which, by the wynde, flotted after the passage boate (wher the Bishopp was) upon the topp of the water. He, with others that wer come to court, beganne, I saye, to give the King informatione of such as yet stood for him. The totall accompt of whome wer as weall neer as followthe: In the north of Scotland, the Lord Rhae, and the Highlands of Stranever, and the most part of the West Isles: In Rosse, Sir Thomas Urqward, Sheriff of Cromerty, with his following, but they environed with Covenanters, ther neighbours: In Murrey some gentlemen, but inconsiderable in comparison of the bodye of that countye that wer opposite: The shyres of Aberdeene, with the cittye of Aberdeene, and therein all whom Huntly could command, besydes many other gentlemen who joyned in that pairty with him, such as Sir Alexander Irvin of Drumm and his following, and other gentlemen Gordones: A considerable part of the shyre of Banfe, specially the Ogilvies in that shyre, such as the Lordes of Findlater (who shortly after left the Kinges pairtye) and the Lord of Banfe,⁽¹⁾ but not the cittye of Banfe. In thes two shyres lyckwayes ther wer many considerable gentlemen Covenanters; generally all the Forbesses, who are numerouse and riche in thes places, and the Frazers and Creghtouns; other privatt men in thes two shyres that stood for the Covenant, wer under them: Huntly, besyde thes in the shyres of Aberdeene and Banfe, who either wer his vassalls or joyned with him, had under his absolute commande Strathavin, Badenoch, and Lochwhaber, and all thes places wher the Clandonell or Mackrandell doe inhabite: Athole, lyckwayes, was reockned at that tyme for the King, but the next yeare wer forced to complye: In the Shyre of Mearnes, the Earle of Marishall, who also commanded a great part in Buthqhwan, had givne the King assuraince by his letters, but the next yeare was turnd to the Covenant; ther wer some other gentlemen lyckwayes in that shyre: In

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* March eleventh, 1638. The scollars of Chanrye of Rosse, being sett to worke by others, did enter into the churche and laid holde upon the Service Booke lying upon the Readers daske; and first they did attempt to burne it, having brought in a cole to the churche for that purpose; but then they touke a new resolutione, and carrye it to the Firth syde, resolving for to drowne it, and tearing it in peeces, throw it into the Fyrthe, etc.—[See Spalding's Hist. Troub. vol. i. p. 53.]

(1) [Sir George Ogilvy was not created Lord Banff till 1642.]

A. D. 1638. Angusse, the Lord of Ogilvye and the Earle of Southeske, and the Constable of Dundee, Skrimgeor, now Viscount of Didipp, both considerable ther for riches and following, with a considerable number of others who wer readye to owne them: In Pearth shyre and Stranerne, ther was a mixture, but the smallest pairt for the King: In Fyfe, but some few gentlemen, who durst doe nothing: In all the south shyres, the most considerable that anything could be expected from, wer the Marquesse of Douglass, the Earle of Nithsdale, Maxwell, and the Earle of Hertfell, Jonstone, besyde some other noblemen, such as the Lord of Carnwath, Dayell, and others of no considerable following by themselves; for Marquesse Hamiltons in Cliddsdale and about Glasgow wer that declard whiche ther lord and cheefe was in his heart: And for the barronye of Renfrew, belonging mostly to the Ducke of Lennox, they wer almost all for the Covenant. Concerning the Ducke of Lennox himself the report is varieuse, ther want not who affirme that, by the King's owne advyce, he caused him, the Ducke, stand newtrell, being his neer kinsman, and very unexpedient for all to hazard in one shippe who wer of Lennox family, wherof the King is the first. Others affirme that the Ducke was inclynd to the Covenant of his owne accorde, having been principled that way by his tutor, Mr. David Buchanan, and then afterwards when the troubles beganne, having been abused and fetched over by the Earle of Traquaire's means; which, if it be true, it is certaine Traquair was ill recompensed by the Covenanters, otherwayes ther praejudice against him was simulate whatever they did pretende. Thes reports concerning Lennox I leave without affirming the one or the other; possibly this farr is certaine that to his last hower, which was some yeares after the King's deathe, he never declared himself one way or other, never acted anything either for the King or against him, and was never at any tyme qwarelld nor questioned by any partye, but lived and dyed with the good lyckinge of all, and without the hate of anye.

Who stood
for the Co-
venant.

LIII. Except thes befor mentioned, all the rest of the kingdome wer either really engadged into the Covenant or complied therwith for the tyme. For afterwards many fell off, and turnd violent enemyes to the Covenanters, of whom a pairt had really, and others, seemingly, engadged. And thes, with the helpe of such as the King might expect in England (though they wer the lesser pairt of Scotland, and by reasone that many of them wer at a great distaunce one from another, albeit they could not be usefull one to another for mutwall asistaunce, specially being enviroind for the most pairte with

Covenanters), wer thought a considerable power to give a cheke to the Covenanters if they grew too insolent. And if the King's counsell had not been betrayed, its probable that it might have been so, as the event afterward in pairt declared. Thes thinges wer fullye remonstrated to the King by the Bishopps at this tyme, and by some other noblemen, his reall freends.

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LIV. Traquair (of whom I have oftne occasione to macke mentione) was then at court lyckwayes; against whom it is reported the Bishopps gave in many accusationes, and averrd that by his connivence the troubles wer come to such ane height (as was thought indeed to be true). Upon the contrarye, Traquaire defended himselfe, casting the fault upon the rashnesse and intollerable pryde of the Bishopps, whom the people could no longer endure; and this was thought not altogether false. But the Covenanters wer not wanting to themselves in the meane tyme for to macke freendes to themselves about the courte, specially of such Noblemen of ther owne natione as wer resident most ordinarily at court; to whom they send full informationes of all ther greivainces, that, by ther meanes, the King might know what reason they had for all that they wer doing, and not be possessed altogether by the Bishopps reportes; which they wer sure would tende to the heightning of the breche betuixt the King and them.

Traquair accused by the Bishops.

LV. But by this tyme the Marquesse of Hamiltoune tackes his journey to Scotland; who came to Dalkeithe to the Councell mett ther, upon the sixth of June, 1638, bringing with him his instructiones; acordinge to which he was to receave his Comissione under the Great Seale of Scotland, which he acordingly receaved, and presented to the Lords of the Councell that day convened. He had power to convene the Councell when and wher he pleased, and to doe all things for composing the tumults, as if the King had been personally present; and his Comissione to stand till the King recalld it. It was of the date, at Windsore, Maye twentieth, 1638, superscrybed with the King's hand. His Comissione he accepted; and was acknowledged for Commissioner, engadging himself to doe all for a settlement of peace, as farr as might consist with the royall crowne and dignitie, and the lawes and libertyes of Scottlande. This all entred into the actes of the Councell, the Chancellor carrying the Great Seale befor him, and other noblemen carrying the King's Comissione before him lyckwayes, and all men performing all dwe respect and honor to him whersoever he wente abroad.

Commissioner arrives.
June 6.

A. D. 1638.

The Tables
send Instruc-
tions to the
Covenanters.

LVI. Albeit the Covenanters had not very much reason for to doubt Hamiltoune, as the things which followed made it apparent, yet till they should have further experiment of his good will, they resolve not to cast themselves opne to any inconvenience; but to prepare for warr in the midst of thes pretextes of peace and treatyes, which might be probably kept on foote till the King might putt his owne partye in a better posture, either for defence or offence, or till he might weary them out with delayes, or practicke on ther pairtye, and draw off some of the heades. Therfor the Tables convene against the tyme of Hamiltoune's arryval, mor frequent in number, mor seriouse in ther consultationes than ever. Mor armes and ammunition is provyded daylye; and the Ministry wer not wanting to advertish the people from ther pulpitts, that now they wer to be mor upon ther gwarde then ever; that they wer to tacke heade least they should be baffed or cheated by a juggling treatye. And that all might be the better upon ther gwarde, ther was a paper of ten articles or propositiones concluded upon at the tyme, immediatly befor the Comissioner's arrivall, which the Tables caused to be sent to the severall Tables or Comittyes of the shyres through the kyngdome, wherof the substance:⁽¹⁾ *Firstly*, For keeping union, that no ansuer should be made to the Commissioner, or any statesmen sent from the King, but by common consente, acording to the Covenant; and such as would doe the contrary to be holdne for unfriendes to them and the cause. *Secondly*, That for the better methode of matters to be treated off, a comitty to be chosne, and some of the gentry, burrows, and ministrye, to be present at the meeting with the noblemen. *Thirdly*, That any who are interested ought to attende the meetings and dyetts punctwally with the rest, least adversaries (in caise they should attend on noblemen) should saye that noblemen had power to dispose of ther followers and freends in this cause; therfor ther attendance wold be the mor shunned, to shew that they depended upon none of ane averse judgement, or who are about a contrary employment in the matter of the Covenant and ther conscience. *Fourthly*, If any new proclamacione be made, it is to be reincountred with a protestation; and it to conteine the eight articles in the last protest, and to be backed with good informations and reasones, and to bee sent speedily to all partes of the kyngdome, that they be not deceived with proclamacions and suggestions; and coppies of that protestatione to be givne to comis-

(1) [See the King's Large Declaration, pp. 79-81.]

sioners of shyres and burroughs, to meete the proclamacione, if any wer made. *Fyftlye*, If discharge of Service Booke, Canons, and limitatione of the High Comission be graunted, and if ther be offer made of all that is not repugnant to law, and alleadge that episcopall power and Pearth Articles are established by law; it is answered, the abuses of Episcopall government are contrary too, and censurable by lawe; and Pearth Articles are rightly to be interpreted; and that ther desyre was a free yearly Generall Assembly, free admission of ministers, without unlaful oathes, rejection of Pearth Articles, the limitation of prelaticall power, according to the caveatts of ther establishment, all which are agreable to law, for the reasons contained in the Articles. And if the bishoppes and others wer of a different judgement from the most pairt of the church and kyngdom, then the Generall Assembly to be judge, whose direction they craved (since they wer the law mackers); and although the law wer interpreted to ther advauntage, yet the body of the kyngdome might crave redresse of their greivaunces sustained by that lawe; and all ther supplications and complaintes against the bishoppes wer depending in processe for clearing ther loyaltie; and ther reparation of ther wrongs could be no otherwayes repaired for the tyme past, nor preveened for the tyme to come. *Sixthlye*, That all subscribers of the Covenant should be advertished that by oathe they are to be content with nothing lesse then thes articles, which are agreable to law, conscience, and reasone; and that otherwayes they would be frustrate of ther endes, and ther adversaries in tyme would attaine the establishment of such evils as they complained of. *Seventhlye*, The number of the comissioners to be doubled against the statesmen and Hamiltounes downe comming. *Eighthlye*, The report of the subscriptiones of the Covenant, from all pairtes of the kyngdome, to be sent to Edinburgh. *Ninthlye*, Thinges recommended to our former comittie be advertished with diligence. And, *Tenthlye*, a fast to be kept in the tyme of the generall meetinge. These wer the instructiones which wer sent from the Tables unto all quarters of the kyngdome, both for to keep all things fast, and to putt the new subscribers upon ther growndes. Much mor (as afterwards appeared) was to be sought, but it was not fitt to discover mor at this tyme, nor was it expected that all this would be graunted.

LVII. But Hamiltoune being come the lenth of Bervicke, had the alarum of the trepidacione that his comming bredd, and advertisheth the King thereof. Meane whyle he calles for his owne vassalls and tenants to attende upon him. They ansuer him that the Tables had discharged them from that homage

A. D. 1638.

Commissioner, his vassalls deny attendance;

A. D. 1638. for the tyme till they gave licence, seing his grace behoved to know they ar Covenanters. Such of them as had not subscriybed awaited on him to Dalkeithe, as a great number of noblemen and gentlemen, Non-Covenanters, did, but his own vassalls had gottne newe superiours. The reason of this restrainte of Hamilton's vassalls to waite upon him, may be pairtly gathered out of the third article of the Instructiones presently mentioned; and ther might be (as it was presumed) policye in it, that so the heades of the Covenant might by this meanes macke tryall of ther power with ther owne partye, that heerby they might judge how farr they might be putt too it afterwarde, as occasion served.

he goes aside
to Dalkeith;

LVIII. Hamilton being come to Dalkeithe (wher the Councell thought it more safe to stay then at Edinburgh, wher the great rendevouze of the Covenanters was conveend), looked that by ther comissioners they should have made applicatione to him. The Covenanters, on the contrarye, will have him to come to Edinburgh, and ther for to treate with them; thus, whilst both kept a distantiall state, for some dayes, nothing was done. Ther wer pretexts that kept both asunder; the Marquesse professed that it was disgracefull for him to come to Edinburgh in the qwalitie of a Comissioner, and too see the castell of Edinburgh blocked upp under his nose, as it was at that tyme. The pryme Covenanters ansuered, and pleaded that it was hazardouse for them to come unto the pallace of Dalkeithe, since that powder and armes wer lately conveyd thither privattly, which, for ought they knew, was for to blow them upp or to destroye them. But this was a wilfull mistacke and a false feare; the grownde of all was thus:—

but will not
come to
Edinburgh;
and why;

LIX. The King, hearing that the Covenanters wer dayly bringing in armes, and suspecting (not without reasone) that the Covenanters wold surpryse the castell of Edinburgh (which, albeit it be kept by a captaine and souldiours in tyme of deepest peace, yet a long continowd qwyetnesse in Scotland had made it to be half neglected, and rendred it unprovdyed of ammunition as a thing needlesse), had sent some armes and powder by sea, to be putt into the castell. But no sooner had the shipp (which did bring about the armes and other goods) anchor in Leeth roade, but the Covenanters call for the merchant owner of the goods, and command him to bring in the shipp to Leeth harbour, and withall forbade the unloading of anything in his shipp till he had ther licence, as he would ansuer the contrary, upon his highest perill. Traquair being advertished heerof, provyded that night a boate, which launded the armes and powder, and carts, which presently

carryd all to Dalkeithe, four myles distant. For this, the merchant was A. D. 1638.
menaced, and ther wer some thoughtes to tacke the armes by force out of Dalkeithe. But this fell out about the tyme of Hamiltoun's comming thither, who, at his comming, gott newes that the people in Edinburgh wer mor enraged, and, after severall resolutiones, in ende that they had concluded to blocke upp the castell, that the armes might not be carryd in thither; which was accordingly done at that tyme. They objected that if the King had ane intention for peace, ther was no reasone for to be victwalling or provyding the strenthes of the kyngdome. But it was thought no argument of this wante of inclinatione to peace that the Covenanters, at the same very tyme, had two good shippes brought home full of armes and ammunitione, which wer launded openly and avowedly at Leithe, as not long befor another shipp full of armes had done, whoise quicke voiage too and dispatche, with armes and ammunition from Holland, at her returne made them mistake the vessell, and had bredd a great trepidatione in Edinburgh, and made a great deale of a qwarter to be kept about provyding canon to resiste her entrye and launding, supposing her to be some shipp sent about some other designe from the Kinge; wheras all the armes that the King sent at this tyme are saide to have been but about two hundred musketts and two hundred picks, with no great quantitye of powder.

LX. After distance kept for a whyle on both handes, the cittizens of Edinburgh interpose, by sending ther comissioner to Hamiltoun, supplicating him to come to the pellace of Halyroode House, that ther they might with mor conveniencye give demonstrationes of ther affections to his Majesty's service, in attending his grace's directiones. Marquis of Hamiltoun, with the Councell's advyce, answered the comissioners of Edinburgh, that if they would undertacke to macke the citezens qwyett, and to carry themselves obediently as dutifull subjectes, and undertacke that the multitudes of Covenanters presentlye conveend in the citty would doe so too, and discharge the gwarde about the castell of Edinburgh, he wold, within a day or two, come to the pallace of Halyroodhouse, otherwayes not, and for him to doe otherwayes was not agreable to the Kinge's honour; which conditions the comissioners from Edinburgh undertooke to performe. Heerupon the Marquis of Hamiltoun, Comissioner from the Kinge, tackes horse for Edinburgh, attended by the Councell, and such of the nobilitye and gentrye as wer affected for the King, which wer many in number. Some two or three myles from Edinburgh, he was mett with by the whole

at last is
moved to
come.

A. D. 1638. bodye of the nobilitye and gentrye of Covenanters then resident at Edinburgh, who wer all mounted on horse backe, and consisted of some thousands; besydes them, in a neerer distaunce from Edinburgh, by the ministry* who wer conveend thither. They wer all on foote, to the number (as is affirmd) of no lesse then seven hundereth; and all the waye to the pallace of Halyroodhouse was filled with swarmes of people of all sortes and sexes, who, for the most pairte, wer macking many exclamationes against popery and bishopps as reciprocall thinges.

His entry. LXI. The cheife Covenanter lords who did meet Hamiltoun upon the waye, wer Rothesse, Cassils, Montrose, Balmerino, Marr, Lindsey, Lowdon, Montgomerye, Forrester, etc. Thes did entreate the Comissioner to heare a speeche delyvered as hepast alonge, by a minister,⁽¹⁾ in name of the reste; but [he] suspectinge the temper of him who was to speacke to be chollericke, did refoose to heare it, as fearing it would be full of reflexions upon the Kinge. Some did interprett the distaunce kept by the Covenanters body to have been to shew ther number. In ende with this convoy, he came to Halyroodhouse, wher the provost and bailies of Edinburgh did bidd him heartily welcome; and the gwards wer removed from the castell, acording to conditione, which was no great matter, for ther wer too many in towne for to lett anye ammunitioun be conveyd privattly into the castell, nor doe I fynde that the Comissioner pressd it any mor at this tyme to be done. At this meeting betuixt the Comissioner and the ministrye, ther passed a rencounter which, though related upon the by, yet it maye give matter of laughter to some in a seriouse bussinesse. The Comissioner, passing by the croude of the minstrye who wer ther waiting on his entree, did re-salute them in a very respectfull manner, who wer all macking low courtesyes to his grace; at this tyme he, looking upon them with a smyling countenance, repeated the words of Matthew, fifth chapter, verse thirteenth, in Latine, "*vos estis sal terrae.*" A minister not farr distant, who could not distinctly heare what the Comissioner spocke, questiones another minister who was neerer, upon

* The ministers who came for to waite Hamiltoun wer suborned so to doe, by the Earl of Traquair, who bidd them all goe together and supplicate. This did Mr. Archibald Jonston confesse to; though others thinke that Traquair suborned the ministry, in a great multitude, for to petitione the Duke of Lennox, at the burial of the Dutchesse of Lennox.

(1) [The well-known Mr. William Livingstone, minister at Lanark.—Baillie's Letters, vol. i. p. 61. The speech which he intended to make, and, it is said, afterwards delivered privately to Hamilton, may be seen in Stevenson's Hist. of the Church of Scotland, vol. i. pp. 242, 243.]

the Comissioner's wordes, who wittingly, insteade of what the Comissioner had spockne, told him, "Brother, the Comissioner said it is wee who macke all the kaile* salt," alluding to a Scottish proverbe which is uswally spockne when anything is said for to marre or undoe ane actione, or to macke mistackes. Ther was so much of salt truth in the jest, that it was by many tackne notice of, though in what sence the Comissioner spocke it, is unknowne.

A.D. 1638.

Huntly comes
to meet him;
recalled.

LXII. To this meeting lyckewayes did the Marquesse of Huntlye come, for to meet with the Comissioner and such others of the nobility as wer Non-Covenanters. In his journey through the southerne places, such as knew that it was he, specially thes who had lately tackne the Covenant, wer so animated against him, upon former hatred to his familye, and his apparent late aversenesse from the Covenant, that scarce had they the civilitye to lett himself or his servaintes passe without crying out against him and them, with langwage eqwally impertinent and bitter. Into his handet† one of the ministers of Aberdeen, Dr. William Guild, did, at that tyme, putt a paper, to be delyvered as "A Freendly and a Faithfull Advyce to the Nobilitye, Gentrye, Burrowes, Ministrye, and others of this late combinatione in Covenant," (I sette downe the doctors owne wordes), "that the event of this great convention, June sixth, may tende to his glory, etc.; and then he proceeded with a remonstrance of half a dozen of articles. *Firstly*, That under pretence of relligione they should not harbour any sinister endes or intentiones. *Secondly*, To beware for to twoch the Lord's anoynted, or to incurre the guilt of lese majesty. *Thirdly*, That papistes wer waiting to tacke the advauntage of ther failings, and wer ready for to blow the coale. *Fourthly*, That as they professed for to stand for the King's defence, so that, lycke Jesuittes, they should beware for to ryse in armes against him, maintaining, lycke them, that it is lafull so to doe, and that of old, heathne Emperors wer not resisted, because the Christians wanted strenth so to do; wheras Tertullian, Ambrose, Cyprian, and others, teach the contrary. *Fyftly*, That they should beware to force the King to anything. *Sirthly*, That, since the Kinge was willinge to heare grievauces, ther should not be a willfull eruption on ther pairt, etc.; and some other things to this purpose, which did not signifie much. But the paper, if it was tackne notice of by or presented to the Covenanters it is uncertaine, howbeit was the very next yeare printed

* Colewort.

† Whither to be read by himself, or to be communicated by Huntly to others, or if some other gave Huntly the paper which the doctor intended to have presented to the heades of that meeting, it is uncertaine.

A. D. 1638. at Aberdeen, by the Marquis of Huntlyes speciall directione ⁽¹⁾; the reason wherof was because Dr. Guild (as we shall after relate) joyning at first with the ministers of Aberdeen in the Qwerees givne in by them in July, 1638, to the Covenanter ministers, stood not out the dispute so farr as a replye, but did tacke satisfacione with the first Ansuers.* For the truth was, he was as farr inferior to the most pairt of the rest in learning, as he was above them in riches; and Huntly thought it ridicolouse that his paper should be satisfeed without any ansuer. But to returne to the pourpose. The Marquesse of Huntlye at that tyme gott not licence for to stay long at Edinburgh, so that it is not weall knowne what past betuixt Hamiltoune and him at that tyme; for the hastye newes of the death of his ladye (that patterne of pietye and vertwe, Dame Anne Campbell, daughter to the Earle of Argyll), who dyed at Old Aberdeen, upon the fourteenth of June this yeare, 1638, did necessitate his speedy returne to her, who, for all the hast he could macke, was expyred befor he saw her againe. This, for that tyme, diverted him from waiting upon publicke bussinesse.

Commissioner
treats
with the Co-
venanters.

LXIII. How soone the Comissioner was settled in Halyroodehouse, with the assistaunce of the Councell, he fell presently upon the maine bussinesse with the Covenanters, whom he desyred for to dissmisse ther greate multitudes, which was easily condescended unto, for ther muster was past, and ther stay was chargable. The two maine propositiones that he offered to ther consideratione, wer thes:—*First*, What they should expect from him in the King's name for satisfacione to ther complaintes, and accomodating ther greivaunces. *Next*, What might be expected from them for returning to ther former obedience, specially in renouncing and delyvering upp ther late Covenant. To the *first* the Tables answered, that no satisfacione from the King could be accepted which contained any particulars, nor wer they to seeke anye, only they expected a Generall Assembly of the church first, and then a Parliament; that in thes two judicatoryes they wold represent and discusse ther greivaunces. But that was thought by manye to desyre what they pleased, and to tacke what they pleased, it being forseene that in in thes two they would doe ther best to be bothe judges and pairtye. To the *second*, they answered, that they could not returne to ther former obedience, from which they had never departed in the least degree, having

⁽¹⁾ [It may be seen in Spalding's Hist. Troub. vol. i. pp. 313, 315.]

* And in the ende of this yeare, 1638, was comissionate to the Assembly of Glasgow.— See mor afterwards.

done no acte but that which became good and dutifull subjectes. As for ther Covenant, theye would be that farr from renouncing it,* that they would not abate one worde or syllabe of the literall sence therof; that it was for the tyme mor available then all the lawes and actes of parliaments which had been enacted in Scotland since King Fergus' dayes; that they would never heare that propositione a second tyme; that it was a thing that could not be done without manifest perjurye and profanatione of the name of God. Finally, this proposall to renounce the Covenant was so ill tackne, that they seemed to be mor incensed then formerlye; new gwards wer againe clapt about the castell of Edinburgh; the gwards and watches about Edinburgh augmented. The pulpitts beganne to speacke lowde, to tacke heade of craftye compositiones, or to yeeld in the least poynt of ther intentions of reformatione, for if they did abate in one thing, they might be mistackne in much mor, or in all. And because the band of mutwall defence was objected, as if it did import a rebellion or conspiracye against the King; therfor they did delyver a wrytting to the Comissioner, whairby they strove for to cleare that part of the Covenant, much to this purpose:—That, seing the King had sworne, and againe declared latelye, for to defende the reformed relligione and ancient lawes and libertyes of the subjectes of Scotland, ther was no reason to wrest ther wordes, wherby they oblidge themselves for to defende relligione, the lawes, and the King's authoritye, as if they did heerby enterpryse somewhat against the King's authority: That such wer rather guiltie of treasone who, by drawing out such consequences out of the wordes of the Covenanters, contrare to ther expresse meaning and wordes, did heerby stryve to putt woronge impressiones into ther fellow subjectes myndes, who wer already growne jealousue eneuch and suspitiouse, as if that by such a challengde of ther wordes they, the challengders should implye and insinuat that the King had no intentione to keepe his promise: That all the Bishops ther plottes tended to no other ende then for to foster the seeds of discorde, sowne already betuixt King and people, that therby they, the Bishoppes, might escape a tryall of ther miscarriadges, and a deserved censure. Withall, they presented unto the Comissioner all ther demaundes, beseaching him for to present all to the King, and for to sollicite them in ther behalf. At this tyme, lyckwayes, the Tables caused print the reasones why they could noway render upp ther Covenant; and to prove that they

* It is related commonly that they answered that they would sooner renounce ther baptism then the Covenant; and would never endure to heare that proposition twyce.

A. D. 1638. wer in earnest, they sent worde to the Comissioner, who was to morrow, being the Lordes day, to heare sermon and service at the chappell royall of Halyroodhouse in Edinburgh, attended with the Councell, that whosoever should reade the English Service Booke in the chappell royall, should never reade mor, and that ther wer a thousand men provyded for the disturbance of it. But if this menace wer with warrant from the pryme Covenanters, it is uncertaine. However, this threate moved the Comissioner that night for to depart to Dalkeithe, where the Service Booke was not as yet sett up. At this tyme, lyckwayes, ther wer letters directed from the comittye of the ministrie then present, subscribed with many handes, requyring the Councillers to subscribe the Covenant. To evry Counciller a particular letter was sent, all of one tenour, shewing that they, the ministers of the gospell, thought it ther duty to represent to all, specially the Lordes of Councell, the cause that they faunde in renewing the Confessione of Faithe; that it had alreadye worought sensible alterationes in the people towards amendement in ther manners above all expectatione; that therfor ther Lordshipps would promove the worke of reformatione by ther subscriptione, and not be sparing to give a free testimony to the truthe and Chrystes cause, which called for helpe at ther handes; that ther professione, and the nationall oathe sworne befor, obleidged them; that ther office of Counciller did the lycke; that ther fame in after tymes pleaded for it; and Chryst, a secrett wittnesse now, afterward a rewarder of ther actiones, calld for ther subscriptione and all, as they would be free of the terrours of God at the houer of deathe.

He writes to
the King;

LXIV. The Comissioner meane whyle resolves to publishe the Kinges declaratione for releevyng of ther greivaunces, and satisfying the people in the forwardnesse of his resolutione for the maintenance of the relligione professed in Scottlande, and his aversnesse from poperye. But the Tables hearing of this his intentione, did beseech him not to publish it, being that it would not be satisfactorye, nor would it stand with the King's honour, nor his oune safetye, nor the publicke peace, to macke any such declaratione, which would be encountred with a protestatione in such a way as would not please the Comissioner, and withall wold macke the publishing of that declaratione disservisable to the King. The Comissioner, put to a stand by this remonstrance of theers, protractes the tyme, and advertisheth the King, by letters, of the daunger that would follow the publicatione of his Majestie's declaratione, and that it would not be tackne as satisfactorye:

Furder, he desyred of the King that, if his Majestie wer resolute to publish the declaratione, at least to sweetne it with this further favour, as to restore to the cittye of Edinburgh the sitting of the Councell and Sessione, and other judicatories ther, which would be very acceptable to all the members of the courtes, and above all to Edinburgh, impoverished by the absence of them: Next, that he might have licence to come and speake with his Majestie of such thinges as could not be goodly expressed by letters. A. D. 1638.

LXV. The King answered his letters by a quicke returne, shewing that it was his pleasure, by all meanes for to publish his declaratione, because he would not (whatever the event should be) have the people barrd the knowledge of his gratiouse intentions and favours towards them, which he saw ther leaders studied nothing mor than to suppress. And next the King worot that he was content at Hamiltounes intreatye for to restore the courtes to Edinburgh, for the reasones containd in the Comissioner his letter; and, lastly, that having tackne order with the Councell ther affaires for keeping all thinges in order till his returne, that he should come to England and speake with the Kinge.

who, at his desire, recalls the Judicatories to Edinburgh.

LXVI. This ansuer, specially of bringing backe the courtes to Edinburgh, was so satisfactory to the Councell (severall of thes judicatories being of the Covenanter pairty, though undeclared, and consequently, by this meanes, being reserved to mor convenient and undiscerned opportunitye of communicatinge ther advyce to the rest), that immediatly they worott a letter of thankes to the Kinge, shewing that his favour was published at the mercat crosse of Edinburgh, with all solemnitye; that it would tende much to the peace of the kyngdome, and that they founde themselves concernd to thanke his Majestye; dated July second, 1638, Halyroodhouse, and subscribed by Traquair, Roxbrugh, Marr, Morton, Wenton, Lithgow, Wigtoune, Kinghorne, Hadintowne, Lauderdale, Kennoule, Southeske, all earles; and by Lorne (afterwards Marquess of Argyll), Naper, Dallyell, lords; Sir Johne Haye, clerke-register; Sir James Carmichall, thesaurer-depute; Sir Thomas Hope, King's-advocat; Sir Johne Hamiltoune, lord-justice.⁽¹⁾

The Councell thank the King by letter;

July 2.

LXVII. Acording then, as the King had commanded, the proclamatione for bringing backe the courtes of justice to Edinburgh was made at the mercat crosse of Edinburgh, for the first sitting downe of the Sessione

and the Judicatories recalled by proclamation.

(1) [See the King's Large Declaration, pp. 91, 92.]

A. D. 1638. ther the Tewsdai followng, beng the third of July ; which was weall tackne by all men, and none hearde to protest against this proclamation. Only the Tables did declare that the effectes of the bringing backe thes judicatoryes to Edinburgh would not be correspondent to all mens expectationes, except that Sir Robert Spottswode (second sonne to the Archbishop of Saint Andrewes), then Lord President of the Sessione, and Sir Johne Haye, Clerke of the Register (or Maister of the Rolles), wer both removed from the Sessione, as being episcopally affected, and promovers of the Service Booke, and enemyes to the Covenant. A motion was therfor made, that some of ther number might be sent to the Comissioner for to desyre the removall of thes two from the Sessione. This was accordingly followd out, and some of the principalls of the Tables wer sent to the King's Comissioner, to shew him that they could prove brybry and corruptione frequently to have been used by thes two judges, therfor entreated him presently to remove them from ther places of judicatorye, after which they would intend processe, and so legally proceede in the probation of thes crymes objected against them. To ther proposition the Comissioner replied, that to graunt ther desyre, did overthrow the very foundatione and maine rule of justice, viz., that any man should be punished for any cryme befor he wer legally convicted therof; that therfor they would follow the right order of law against them, which was, first to prove ther guilt, and then ther was no questione but they would be removed from ther places, and punished as ther cryme deserved, and that to doe so, would be very acceptable to the Kinge, who was willing to have justice done to all; that he should acqwaynt the King meane whyle with ther demaundes. To this they replied, that if ther desyre wer not graunted, then they would macke a publicke protestatione, that whatever acte, decree, or order the Lords of the Sessione should macke in any cause wher thes two Lords should be present, or either of them gave voice, should be null and voide in law, and that no subject should be bounde, or would yeeld obedience therunto. To this Hamiltoune answered, that such protestationes wer to be made befor the Sessione, and thither he did remitte them, for they had only power to admitte or repell such protestationes; which ansuer of his was tackne as a denyell of justice. At the daye appoynted by the proclamatione, the Sessione sat downe, and the Comissioner, in his owne persone, went to the place and opned it with a short speeche, declaring upon what account it was brought backe, and exhorting them to give speedy dispatche to the subjectes; for which he had a returne of thanks from the judges, and

ane acknowledgment of the Kinges favour. But the protestatione against Sir Robert Spottswood and Sir Johne Haye, ther sitting, was waved at that tyme, albeit they had been threatned therwith, and no accusatiōne givne in against them, the Comissioner gave them licence so to doe. A. D. 1638.

LXVIII. The Comissioner being to tacke journey for England, resolved next to publish the Kinges declaratione, the newes of which intention of his bredd a trepidatione in Edinburgh for some dayes befoer; and the jealous preachers beganne to warne the people in ther pulpitts, with all the inconveniencies that it might occasione. And some dayes befor it was proclaimed, multitudes of people beganne to fill the street, in speciall neer the crosse, wher it was to be proclaimed; and thes in rankes, with ther swordes pulled out of ther beltes, with syd pistolls, armes then prohibited by the penall statutes (but this was not the first tyme that they had encompassed the crosses with such armes); and it was surmised that if the Kinges declaration wer hearkned unto, it would bring ruine to relligione, lawes, and libertyes. After some dayes spent in this kynde of posture, when the people seemed to be qwyetter, the trumpetts wer sownded, which drew a great conflux of people to heare the protestatione; and instantly upon a scaffold, mounted for that pourpose, the Covenanters stept upp with a protestatione, readye wryttne, in ther handes, befoer the proclamation* was pronounced, which was to this pourpose:—That he was not ignorant of the disorders lately happned upon pretext of the introductione of the Service Booke, etc., as fearing that would be an innovation of lawes: That for ther satisfactiōne he hoped two former proclamations should have sufficed, December eleventh, and February nineteenth, but fynding ther disorders for to encrease, which requyred rather power to crubb them then clemencye, yet, out of innate indulgence to his people, he was willing to trye them by faire meanes, if that could reclaime them from willfull ruine and ther faultes; therfor he did assure them that he never was, nor, by God's grace, shall be, stained by popish superstitione: That he was resolute for to mantaine the Protestant relligione protest in Scotland: That for to remove ther scruples, he assurd them he would not presse the Service Booke heerafter, nor anything of that nature, A new proclamation;

* Concerning this proclamation, the three ministers who answered the Doctors of Aberdeen ther querees, affirme of it that the Councell of Scotland, after they had once approved it, did, upon a new advysement, abrogate that acte of approbation, and caused teare it in peeces. This they tell oftner then once; but I find it not recorded elsewhere; no, not by *Historia Motuum*.—See Doctors of Aberdeen ther Replies, in the Three Ministers' Answer to the Third Demand, pag. 10, edit. Aberdeen. [1662.]

A. D. 1638. but in a fair legall way, so as to satisfie all: That he did not intende the innovation of lawes or relligione: That he had warranted to discharge all actes of Councell made theranent: That, by the Councell's advyce, the High Comissione should be rectifyd, as that no law by it should be impugned, nor be a just greivaunce to anye: That whatever concerned church or state, should be tackne into his consideration in a free Assembly and Parliament, to be indicted with his best conveniencye: That he tooke God to wittnesse that he intended not to admitte any innovatione, either in relligion or lawes: That he intended to maintaine the puritye of relligion and of established lawes, nor would suffer them to be infringed: That though some did perswade his people, that his declaration was not regarded, yet he did expecte such testimoney of his good subjectes as might speacke ther sence of his grace and favour, by ther obedience heerafter: That they would not misconster his actiones, but rest satisfieed with the reality of his intentiones for maintenance of relligion and lawes: That he wished all good people not to be blyndfolded with relligiouse pretextes, to be therby ledd to disobedience, to ther owne ruine: That he should most unwillingly macke use of his pouer against such; and this his will was to have proclaimed and endorsed. Dated at Greenwich, June twenty-eight, the thirteenth yeare of his raigne, anno 1638.⁽¹⁾

protested
against.

LXIX. How soone the proclamations were readde, but the protestation against it was begunne to be readde in name of the noblemen, barons, gentlemen, burrows, ministers and commons, protesting:—That as it was ther glory and happinesse to live under a relligiouse King, and ther greatest glory to testifie ther best affectiones to him, yet that, in his absence, they had been prest with diverse innovationes, and by that meanes, castne betuxt the rocke of excommunication and rebellion on the one hand, and the desperate daunger of forsacking the waye of true relligion on the other, as also ther breach of Covenant with God: and then they resume the narrative of the King's proclamations, and ther severall applicationes to the Councell, hithertoo ineffectwall by the meanes of ther enemyes the Bishoppes, for to escape dwe censure, which had forced them to declayne the Bishoppes as judges. But fynding ther supplicationes neglected, in the moneth of Marche, they did renew ther Covenant with God, for diversion of his warathe, and for clearing the King of all jealousyes, etc.: That since that tyme,

(1) [See the King's Large Declaration, pp. 96—98.]

they had anew supplicated the Comissioner, craving a free Parliament and Assembly as the only remedye, etc.; but fynding only a declaratione of the King's piouse intentions towards relligione to be the result of ther nyne moneths attendaunce, which they never doubted of, but thankes God for, they doe not conceive it eneuch to remedye thes evils, nor to secure ther feares, nor to give them satisfactiōne of any of ther just demaundes, is ther any hopes from that declaratione: Therfor they declare, *Firstly*, That they will adhere to relligion as it is presently profest and established. *Secondly*, That they would adhere to all ther former supplicationes, petitiones, givne in at former Assemblyes and Parliaments, and to all ther late supplicationes, protestationes, and all other ther lauffulle proceedinges against the Service Booke, Canons, High Comission, and all other innovations. *Thirdly*, That they will adhere to the subscriptione of the Covenant, and to the consequences therof, and last articles drawne out of it for the peace of church and kyngdome. *Fourthly*, They protest that whatever is done against them by acte of Councell, or proclamatione, or otherwayes, may be all null till they gett free lauffull hearing and tryall. *Fyftly*, That since ther is only promise of ane Parliament and Assembly with the first conveniencye, therfor it maye be lauffull for them to doe ther best for to defende ther lawes and libertyes; and, if it shall be needfull, for to call an Assembly and Parliamente, as has befor been practised. *Sixthly*, That whatever they have hitherto done may be holdne as necessary for ther defence, and the good of relligion, and of the kyngdome, and all acted acording to the lawes therof, and not to be acounted disorders, misdemeanors, blinde obedience, or running unto ruine. And, *Lastly*, They expect that the King will indiecte a Parliament and a free Assembly.⁽¹⁾

A. D. 1638.

Upon this protestatione Johne Earl of Cassills, etc., in name of the noble-men; and Mr. Alexander Gibson, younger of Durye, in name of the barrons; James Fletcher, provost of Dundee, in name of the burrows; Mr. Johne Kerr, minister at Salt Preston, in name of the ministers; and Mr. Archbald Jonstoune (afterward Lord Warristoune) reader of the protestatione in name of all who adhere to the Covenant; tooke instrument into the handes of three publicke notaires at the crosse of Edinburgh, befor many hundereths of wittnesses, and in testimony of ther dutifull respect to the King, the aeqwitye of ther cause, and innocency of ther carriadge, and hope of his Ma-

(1) [See the King's Large Declaration, pp. 98—105.]

A. D. 1638. —————
 jestie's gratiouse acceptaunce, they offered, in all humilitie and submissive reverence, ane coppy of ther protestatione to the herauld, who had presently asisted the King's proclamatione.

The King's
 censure on
 the protesta-
 tion.

LXX. The King's exceptions against the materialls of this protestatione wer, *Firstly*, That it was untrue that they had removed the impediment which caused ther Covenant to be mistackne for an unlafull combinatione; for that which they tendered to Hamiltoune, as the explication of ther Covenant served for no other pourpose but to macke him jealous of ther combinatione; for, wheras, they refoosed to except the King out of ther band of mutuall defence, as not of the number of thiose persones against whom the bande is intended, shewed plainly that he, the King, was cheifly aimed at. *Secondly*, Whereas, they declared that they did never call in questione the King his resolution to mantaine relligione against popery, he said that was contrarye to ther asseverationes in ther privat meetings, sermons, and assemblies, wher they have laboured to macke the people be jealous of him, and to perswade them of the contrarye, and in ther printed papers lyckwayes; and for ther protestatione itself, it had no better growndes but that they would continow together, because they had obleidged themselves to doe so, and because they are willing and resolute to cleare themselves in a Parliament and Assembly, wher themselves made an accompt to be judges. *Lastly*, That it was both hypocrisie and disloyaltie to desyre the King for to call an Assembly, and professe they had power to doe it themselves, and would call one themselves in caise of his refusall to call one. And, *Finally*, That it was ane unmannerly contradictione of the very wordes of his proclamatione to affirme, as they doe, that whatever they doe or say contrarye to his proclamatione was all "in themselves most necessarie, and orderly meanes, agreeable to the Laws and practise of that Church and Kingdome, to be commended as reall duties of faithfull Christians, loyall subjectes, and sensible members of the body of that Church and Kingdome, and no way to be styled or accounted great disorders, misdemeanours, blynde disobedience, under pretext of Religion, and running headlong into ruine;" which are the very wordes in the protestatione.⁽¹⁾

Commission-
 er presses
 the Band of
 Maintenance
 to be explain-
 ed, in vain.

LXXI. The Comissioner fynding that the Covenanters would not yeeld that thes wordes, wherby in ther Covenant they bynde themselves in a mu-
 twall defence against all persones whatsoever, should admitt this interpre-

(1) [See the King's Large Declaration, pp. 106, 107.]

A. D. 1638.

tation, "except the King;" he tould them plainly, that the stocke of all his instructiones wer spent, and that he could proceede no further with them without new conference and instructiones from the Kinge, and that he was resolute to goe speedily to the Kinge, and macke him acqwaynte with the explicatione of the Covenant which they had givne him, which he thought would not be satisfactory to the King; meane whyle he prayed them to live peaceably till his returne. The explication of the Covenant was by way of petitione, shewing that they wer heartilye sorry that the King should tacke ther Covenant for an unlauffull combinatione against authoritye; that they should be so farr from withdrawing themselves from the dutifull subjectione and obedience to the Kinge's government, that they never had, nor has presently, any intention or desyre to attempt any thing that may turne to God's dishonour, or diminutione of the King's greatnesse or authoritye; that they had sworne to stand to the defence of the King to the outermost of ther power, in preservatione and defence of the true relligione, lawes, and libertyes of Scotland, etc.; therfor, they entreated that ther oath and subscriptione might be accounted as the hiest testimoney of ther fidelitie to God and loyaltye to ther Kinge, and that hinderance removed, he would indict an Assembly and Parliament, etc. The Kinge's judgement of this petition was, that it meand no other thing but that they would not shackle off ther obedience, so that he wold give waye to all ther courses, which they justifyd by ther petition; so that the sence of all was that they would continow obedient subjectes, so that the King would pairt with his soveraigntye; which was in effect that they would obey if he would suffer them to commande, and that albeit they had added thes wordes, "except the King and his successors," that could have givne no satisfacione, unlesse he should give waye to that whiche diverse actes of Parliament made seditione, and punishable by deathe.⁽¹⁾

How soone the Comissioner declar'd his intentione to be gone, the Tables fell to debate it, if presently they should indiete a Generall Assembly, or if they should give him a tyme to speacke with the King and gett his finall ansuer. In ende, it was carryd with voices that they would expect his returne till the fifth of August nexte. And this ther resolution they acqwaynted him with, by ther Comissioners, shewing to him that till then they would breacke upp ther great meeting and live qwyett; but, if he returned not

(1) [See the King's Large Declaration, pp. 108—110.]

A. D. 1638. — against that day, or brought with him the expected answer, then they should be holdne free to goe on and prosecute the courses which they had resolved upon. And so the Comissioner began his journey towards the King.

Covenanters
declare their
power to
hold an As-
sembly ;

LXXII. Mean whyle, by appoyntment of the Tables, the Covenanters did keepe solemne fastes, specially upon thos dayes that the King did appoynte with his Councell at court for to consult and advyse the Scottish bussnesse. And because they did not expect an Assembly to be called so quickly by the King's warrant as they desyred it, they did sett out a paper wherby they strove to prove That the church, in such a condition, had licence to looke to its owne weall, and " That the church itselfe has power to call synods if the magistrate be ane enemy to the faith or be negligent in overseing the good of the church : " That it receaved this power from Chryst its Lord, and had practised it without all scruple till the tyme of the Councell of Neece : * That if any thought that such a power was entailed upon princes turning Christians and tackne from the church, they wer farr deceived, for then the comming in of Kings to the church would not be that blessing spockne of, Isaie, forty-ninth chapter, twenty-third verse ; but that ther conversione to Christianity † would be hurtfull to the church, against the expresse worde of God, whairby He will not have the power of the church diminished but augmented and corroborated under a Christian magistrate, whose authoritye in the church they affirmed not to be privative but cumulative, to the edification not the destructione of the church, whose ruine behoved necessarily to follow if (when evills did threatne a church with destructione), the indictione of synods depended only upon the princes arbitrimt, and simply wer in his power : And that all thinges that might urge the necessitye of calling an Assemblye wer now concurring in the church of Scotland as, *Firstly*, The corruption of doctrine by Popery and Arminianisme. *Secondly*, Multiplied abuses in the governement by Bishops. *Thirdly*, Church discipline and actes qwytt subverted. *Fourthly*, Schisme in the church. *Fifthly*, Faithful ministers putt out of ther places by Bishoppes, wanting Assemblyes for many yeares to appeale too. *Sixthly*, And the Bishoppes or others guiltye of thos crymes, so farr from being censured,

* Ad annos ferme trecentos nullus fuit in ecclesia Christianus princeps secularis. Christus ecclesiam regendam Petro et episcopis commisit, non Tiberio et ejus praefectis.—*Bellarm. de Laicis, cap. 17.*

† Posita hac potestate nec in una provincia vel regno diu erit fidei unitas vel cultus et Religionis conformitas, quia singuli principes quod ipsis melius videbitur stabiliunt, quorum decretis si resistatur perpetua erunt bella.—*Stapleton. Disput. contra Protestant.*

that, on the contrary, they wer countenanced and putt in places of highest truste, wherby others wer encouraged by ther example to the lycke actings. A. D. 1638.

LXXIII. This apologeticke wanted not many to reply to it, who did dispute against that thesis; who shewed That in the primitive church,* after the Emperors became Christians, all church power did depend on them and that the greatest synods had been called by ther appoyntment: That as Moses was *custos utriusque tabulae*, so he was *custos utriusque tubae* for calling Assemblys and dissmising them: That appealls had layne from Synods to the Emperors, as was cleare in the instance of Athanasius † from the Councell of Tyre to the Emperor, who, by his peremptory edicte, conveend that councells members befor him: That many such instances wer obviouse in the church historye and not qwarelld at by any as ane usurpatione in the Emperors, and that to saye that princes had not power to call synods, or that they might be called in ther dominiones without or against ther consent, was to sett upp the popish doctrine which they, the Covenanters, pretended to be such enemyes unto: That it was a tenent unknowne to antiquitye, and that all orthodox reformed churches, except such as wer rigide presbyterians, mantained the contrary: That if the King's power over the church wer but only cumulative, then he behoved to ratifie the actes of Assemblyes although they established heresy; that he should be in a worse condition then the meanest mechanicke, taylor, or shewmacker ruling elder, who have freedom of vote, wheras the King is simply tyed to obey the Assemblye's decree: That the consequence of this is in effect nothing else but to tacke away from a prince the very use of his rationall facultye and macke him a serjeant and executioner to Assemblyes, to whom he must lend *brachium seculare*, without licence for to questione if ther wer reason for it or not: Finally, that such doctrine as it was agreable to Jesuiticall principles, so it was nothing consonant to Scripture, seing that in the Old Testament it was beyond all questione that the establishment and reformation of religion and worshipp had ever depended upon the supreme magistrate, and never on the preestes, when ther was a king, except in Joash nonage, whom his brother-in-law, Jehoiada, did reposesse with the kyngdome usurped by Athaliah: By such ansuers, and much mor, which have filled whole volums, such as did oppose the presbyterian manifesto replied to ther tenent of the King's power in calling Assemblyes, etc. replied to.

* Socrates in proemio lib. v.

† Athanas. Apologet. cap. ii.

A. D. 1638.
Commission-
ers sent to
Aberdeen
from the Ta-
bles ;

July 20.

LXXIV. I must now leave the Comissioner upon his journey towards Greenwitche, wher the King was at that tyme, and for a whyle remove the stage to the northe of Scotland, wher the most considerable oppositione for learning and armes that the Covenant was lycke to meete with stood as yet unbrockne. For how soone Hamiltoune was gone for England, the Covenanters, who knew how much it concerned them to cleare the coast in thes places, by appoyntment from the Tables, sent towards Aberdeen a select number for to invite such of the ministry and gentrye in to the Covenant, who either by Huntlyes authority or example, or by the Doctors of Aberdeenes means, wer withheeld. Thes of greatest note who went about that expedition, wer James Grhame, Earle of Montrosse, and Arthur Erskin of Scottish Craige, brother to the Earle of Marre ; Lord Couper ; Alexander, Master of Forbesse ; Sir Robert Graham, Morfey ; Sir Thomas Burnett, Leyes. Of the ministry, wer sent Mr. Alexander Henderson, minister (then) at Lewchars in Fyfe ; Mr. David Dickson, minister at Irving, in the west ; and Mr. Andrew Cant, minister at Pettsligo, in Buchan, in the shyre of Aberdeene ; Mr. James Guthry, afterwards minister at Strivling : Who came (with others goodwillers to the worke), to Aberdeen upon Frydaye, July twentieth, in the afternoone.* But no sooner wer they alighted from ther horses but the doctors, and divinitye professors, and ministers of Aberdeen, (who befor had lowde advertishments of ther progresse,) did presently send unto the ministers some Queries concerning the Covenant, professing withall that if they could satisfee ther doubtles, they wold not refoose to joyne in Covenant with them, and protested that they wishd the floorishing of relligion as much as anye, and that the reasone whye they had sent them that paper was that it might be knowne to ther bretherne that, if hithertoo they had not founde themselves incluyde to enter in Covenant with them, they and all men might know that it was not without weightye causes, which concerned ther consciences in all, which they both desyred and wer willing to be resolved. They who sent them the challengd wer, Dr. Johne Forbesse of Corse,

* When the Comissioners came to toune, the provost and the ballies sent one of ther number for to compliment them, and to offer them the Courtesy of the Towne (as they call it), which was a collatione of wyne, etc. But they refoosed, saying that they would not drinke withe thos who wer not of ther waye till first they joyned in Covenant with them. This answer was tackne evill by the magistratts of the toune, who therupon did cause carye all the wyne which they had prepared and distribute it to the poor men of the hospitalle, and after that made no further applicatione to the Covenanters Comissioners.—[See Spalding's Hist. Troub. vol. i. p. 57. The Book of Bon-Accord, vol. i. p. 15.]

doctor and professor of divinity in Aberdeen; Dr. Alexander Scrogye, minister at Old Aberdeen; Dr. William Leslye, principall of the King's Colledge of Old Aberdeene, and professor of divinity; Dr. Robert Barron, minister at Aberdeene and professour of divinity in the Marishall Colledge of New Aberdeene; Dr. James Sibbald, minister at New Aberdeene; Dr. Alexander Rosse, minister at New Aberdeen. True it is, that Dr. William Guild, minister at Aberdeen, did lyckewayes subscribe the Querees with the rest; but he fell off and subscribed the Covenant, alone of all the rest, before ever the disput came the lenth of a reple; therfor he is not to be added upon anye just accompt. Ther is no questione but the three Covenanter ministers wer ill matched for ther abilities with the most pairt of thes Aberdeens doctors, and it was *impar congressus Achilli*; yet did they not declayne the challendge, and therfor returned unto them ane ansuer in wrytte to-morrow after ther arryvall, Saturdaye, July twenty-first. Nor needed the ansuer they sent to the doctors any long tyme to consult upon it, for it was but a kynde of declinator of the dispute and a smoothing of matters, and something worse then silence. Nor wer they come to Aberdeen with ane intencion to dispute it with ther pennes; the bussnesse was to trye whom they could fetcche to ther partye by allurments and pairtly by that terrible argument *ab incommodo*, which moves many to swallow downe thinges contrare to knowledge and conscience. Yet ther rethoricke drew off non but Dr. Guild, a man of little learning in comparison of most of the rest, and some others who wer enclynd ther waye befor ther comming. Or, if they gott ane acession of other proselittes, they wer some poor mechanickes or of the faeminine gender; yet, all putt together, not able for to macke anything lycke a pairtye ther.

A. D. 1638.

July 21.

LXXV. The Covenanter ministers upon Saturday, with ther summarie ansuers, sent a desyre to the ministers of Aberdeen that they might have licence to expresse themselves to the people upon the morrow, being the Lord's daye, publickly in the pulpitts of Aberdeen in the presence of the ministrie of Aberdeen. To this proposall the ministers of the cittye answered, that howbeit they wer willing for to yeeld to them any rationall request, yet they craved them pardon if they did refuse them ther pulpitts at that tyme; for they conceived it to be very unexpedient to lett them stand upp and speacke to ther people doctrines contradictory to what ther people had been taught by them, till they wer first convinced of ther fault that ther doctrines wer erroneouse; but that was not lycke to be suddainly effectwat.

who are refused the pulpits till they answer some Queries.

A. D. 1638. — Whereupon the three Covenanter ministers tooke another course, and, having waited upon the ending of the ministers of Aberdeen ther sermons, in the intervalls they gave intimation to all that would, for to come and heare them preache in the Earle of Marishall his closse (or yarde), a place eminent upon the mercat street of Aberdeene, for Marishall was of ther pairtye; wher a numerouse conventione resorted to heare them either for the noveltye or out of curiositye. Nor wanted ther many who came also for derision, which was manifested by the people, of whom some with little civilitye, from the leades of a neer distant building, threw a raven into the crowde of ther conventione while they wer at sermon; which was ill tackne by all discreet men. All the three ministers that daye preached by turnes, looking over the large window of a woodne gallerye that looked into the yard towards the multitude. The argument of ther sermons wer for the breefe summe therof agreable to ther protestationes and remonstrances, and concluded with exhortationes and invitationes to the people to joyne in Covenant with them, and how necessaire it would be so to doe at that tyme. Lyckewayes in ther sermons they did reade the Querees of the doctors of Aberdeen, and made a fashione to ansuer them. See afterward mor of this. The result of ther preeching was the publicke subscriptione of some that night and of some others the weeke following, who wer thought by many to have either delayd or been pourposlye kept off till that solemnitye, both for the credite of the speackers and that they might be a leading preparative and example to others. But, of thes who subscriybed at Aberdeen, some of the most remarkable * would not put ther handes to the Covenant but with limitatione⁽¹⁾ and protestatione that heerby they wer not obleidged for to acte any thing against the King; which protestatione was drawne upp in wrytte and subscriybed by the Earl of Montrosse, so glade wer they to gett any one of note ther upon any termes. This is a truth so notoriouse that it was publickly knowne; for, in the yeare 1639, when Huntly lay at Aberdeen in the spring, in a military posture, that subscribent presented to Huntly his protestation subscriybed as said is to remove all mistackes of his loyalty from the Marquesse of Huntlye, who at that tyme commanded the towne.

* Dr. William Jonston, professor of the mathematickes in the new colledge; Doctor William Guild; and Mr. Robert Reed, minister at Banchory, did both lyckewayes subscriybe with cautions and reservationes. [Dr. William Johnstone was the brother of the well-known Arthur Johnstone.]

(1) [The "Limitations" are preserved by Spalding, Hist. of Troub. vol. i. p. 58.]

LXXVI. The next weeke, Montrosse, with the ministers, and the rest of that companie, visited some pairtes of the countrey, and kept some meetings with the ministry and others of severall presbyteries. Thes who intended to subscribe, came upon the desyre of ther letters, and others absented themselves. The most pairt of the presbytrye of Deare, by Mr. Andrew Cantes paines tacking (who was then a member therof), had subscribed befor; so had the most pairt of the presbytrye of Alforde done (from which presbytrye, Mr. Andrew had been, not many yeares befor, transplanted), by his meanes and influence, being fetchd in to the Covenant. Some in the Presbytrye of Aberdeen did the lycke, particularly he who was at that tyme moderator, Mr. David Lindsey, minister at Belhelvie; one who would be either amongst the first, or not at all ther.⁽¹⁾ They had a meeting lyckwayes at Turreff, with the ministry of that presbytrye, and gott some* ther lyckwayes, after an imperiouse satisfacione of ther scruples by Montross, who wer glad for to subscribe. In that presbytry, Mr. Thomas Mitchell, minister of the place, was active for them; one who, during the sway of the Bishoppes, had been intimatly familiar with two successively;⁽²⁾ but now, fynding the wynde to be lycke to chainge, tackled in tymously, fearing that, otherwayes, a storme might overwhelme him if he had been tryed by the church canons, evne although an indifferent judge had sate upon his tryall.⁽³⁾ Yet thence fordwads, to his last hower, his obtruding himself

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They sollicit ministers in the country to subscribe the Covenant.

(1) [Baillie calls him "a stirring and pragmatic bold man."—Letters, vol. i. p. 109. It is believed that he was the editor of the "Funeralls of a Right Reverend Father in God Patrick Forbes of Corse, Bishop of Aberdene. Aberdene, Imprinted by Edward Raban, 1635." Several panegyricall verses by him are preserved in that volume. Spalding, who describes him as "a violent man for the good cause," mentions that, in December, 1642, "there cam out ane paper set out be Mr. David Lyndsay, person of Balhelvie, callit *Scotlandis Halleluah*, printed by Raban at Abirdene." It was, he adds, "thocht to be better said nor it had stuff or good mater, and whiche I thoct not worthie to tak panes upone for inserting it in this place, albeit it is lying besyd my self in print."—Hist. of Troub. vol. ii. p. 105.]

* Mr. W. D. [These initials stand probably for the name of Mr William Douglas, then minister at Forgue, afterwards Professor of Divinity in King's College and University, Aberdeen.]

(2) [See Funeralls of Bishop Patrick Forbes, pp. 183, 184, 189, 195. At p. 411 occur several wretched verses by Mitchell "dedicated to the Never-dying Memorie of The late Right Reverend, Learned, and Religious Prelate, my best Friend, and most worthie Maecenas, Patricke, by the Mercie of God, Bishop of Aberdene."]

(3) [This seems to be an allusion to some charges against Mitchell's moral character. One of these is mentioned by Spalding, Hist. of Troub. vol. ii. pp. 39, 53, 94. Mitchell denied its truth. The evidence produced by him was, by the provincial synod, "found sufficient; and, besydis, thay took him deiplye sworne upon his innocencie; quhairupone he wes absolvit fra this scandall and found a good barne.]

A. D. 1638. upon the partye mett but with a scornefull neglect of him amongst the wysest ; who, though they wer not ignorant therof, yet did dissemble the accompt upon which they connived at his failinges, as his enemyes proclaimed it. Montrosse and the three ministers went not from Turreff to Strabogie, for Huntly, his residence, was in the heart of that presbyterye for the tyme. Howbeit, that some about this tyme wer sent north to Murrey and Rosse, and the remoter places of the north of Scotland, for to presse subscriptiones to the Covenant. One of the cheife in that employment was Mr. James Bairde, advocate, a man bold and daring, and insinuatve, who, as his journey was on the charges of the Tables, so was he weall rewarded for his diligence, and the returne of the subscriptions as he brought backe ; for he was non of thes who wold be at such paines and cost, except he understood weall upon what accompt. In the places wher they mett with the ministrye, in the shyres of Abeerden or Banfe, ther wer some who had scruples, as they pretended, but they came mostly with a resolution to be satisfeed befor they heard the ansuers to ther objectiones. Nor wer such as they had to doe with nice to cleare them ; and it is not to be forgotten that at that tyme ther was a pamphlett published in print, called Queries concerning the State of the Church of Scotland. The *first*, was, Whether any church had ever been so purly reformed as that of Scotland. *Second*, If ever any church had asserted ther religion with so many oathes. *Third*, If any could deney but that by thes oathes they had abjured episcopacye and the materialles of Perthe Articles, either explicitly, or implicitly at leaste, yet they had brockne the oathe by innovationes. *Fourth*, If any church had made a greater defection then theye. *Fifth*, If that defection tended not to a conformitye with Rome. *Sixth*, What reason they had to leave pure reformation, and in any thing for to conforme with Rome by episcopacye, feast dayes, crossing and kneeling at sacrament and confirmatione, privatt baptisme or communione, funerall sermons, etc., and all ther ceremonies. *Seventh*, If this be a tyme to conforme with popery in anything, whilst they are stryvinge to destroy the reformed churches abroad. *Eighth*, If thes things contended for, viz. the anti-christian governement and episcopacy wer but trifles, whither or not it was reasonable for to depose ministers for not conformitye therunto. *Ninth*, Why ane High Comission was suffered, it being meerly tyrannicall. And, *Next*, Why actes of pretended Assemblies, null in themselves, wer ratifyd in Parliament ; or why the church wanted her Generall Assemblies. Thes Queries, with manye amplifica-

tions, had been printed this very yeare, 1638, without naming the printer or author, and dispersed through the country; and, as it appeared in the sequell, wer both the interpretation of the Covenant, and a vindication of the Covenanters intentions, and an intimation of ther after actings, which they wer about to doe. But, comming into the handes of some of the wittiest of the ministrye of Aberdeen province, they wer a bone they could not digest; for (as has pairtly been spokne already, and shall afterward be related), episcopacye and Perth Articles wer the great scruple that troubled many ministers, who both in ther judgements thought all lauffull, and at ther admisione, had sworne to all accordingly. And therfor for ther satisfacione, the ministers who pressed the Covenant, strive to walke in a miste, and keepe ther intentions misticall, not willing to speacke out ther myndes fully in this poynte. This pamphlett, above specifyd, having come into one of ther handes, and, after perusall, being founde not altogether agreable with the plausible langwage of such as pressed the Covenant, the minister* who gott the cobby of it, presentes it to the three ministers, Covenanters; and will needs be resolved if they stood unto the contents of all thes Querees which wer contained in the forsaid pamphlett. It was not tyme to owne it as yet; therfor it was disavowed by the three Covenanter ministers, as a namelesse pamphlett, published without any publick approbatione. That scruple being removed, the minister who objected it with some others tooke the Covenant, for his parishoners wer prior to him for the most pairt in ther subscriptiones.

LXXVII. But the doctors and professors of Aberdeen wer not so easily to be gained. For how soone they had receaved the answers of the three ministers, Covenanters, they bethinke themselves upon a reple to ther answers, which was reade and printed against the retorne of the three Covenanter ministers to Aberdeen, which was not till Saturday, July twenty-eight; upon which night the doctors sent them their qwerees (which had been first printed by themselves), and the three ministers ansuers with ther repleyes subjoynd therto, which made a booke of some sheets of paper. Upon the morrow, being July twenty-ninth, the three Covenanter ministers wer resolved to preach at Aberdeene in the last dayes meeting place; therfor thes repleyes could not be answered in one night, (nor that night,) as the querees had been. Besydes shortnesse of tyme to answer, the doctors beganne to lay hold upon ther ansuers (though thes answers of themselves wer but

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Divines of
Aberdeen
print their
dispute and
their decla-
ration. *

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* Mr. A. B.

A. D. 1638. declinators of categoricke answers,) and had gott so much advauntage upon them as to starte further doubttes and scruples wherwith in ther replyes they beganne to presse them. The three Covenanter ministers had now a wolfe by the eares. To be qwyett was to give up the cause; to engadge further, the event was now growng mor doubtfull then ever; but ther was a necessitye to saye somewhat. Therfor they tacke the print replyes with them, and the next weeke, being the ende of July, having tackne ther journey towards the south againe, the two ministers, Mr. Alexander Hendersone, and Mr. David Dickson, who wer thought to have the learning, macke a stande for some dayes at the castell of Muchells in Mearnes, the dwelling house of Sir Thomas Burnett of Lyes, some eight myles upon the roade southwards from Aberdeen. And in that conveniencye (he being one who was aeqwally zealouse towards the puritye of the reformed relligion and the advauncement of the Covenant at that tyme), they tooke some dayes leisour for to draw upp an ansuer to the doctors of Aberdeen's replyes, which they lyckewayes wer necessitated to cause printe, but not without a complainte to the reader (as they had good cause), that they wer brought upon the stage, and, contrarye to ther expectation, putt in print. And, leaving a copy therof to the doctors, they went south, without ever expecting or calling for a duply, or tacking notice of the duplyes of the doctors of Aberdeen to ther second answers, which not long afterwards the doctors of Aberdeen printed in ane booke by themselves, of about sixteen sheetes of paper. But ther the dispute ended, for thes duplyes gott never an answer to this daye; albeit the qwarell ended not heer, for within two yeares afterward, the Covenanters, being then maisters of all, did dryve out all the doctors of Aberdeen (who wer then living, and had subscriybed thes replyes,) out of ther stationes, upon what accompt shall be told afterwarde. And Dr. William Guild, who had conformed, grew a sacrifice to Mr. Andrew Cante's jealousye, after he, the doctor, had been some yeares principall of the Old Colledge of Aberdeene; of which in its owne place.

Their fourteen queries that they sent;

LXXVIII. But because in the second answers to the replyes of the doctors of Aberdeen, the two Covenanter ministers complained, in ther epistle to the reader, that they wer brought on the stage, in print, beyond ther expectatione, that they gott so little tyme to ansuer ther qwerees, that the pulpitts wer refoosed to them, that they had gottne so many proselytts to the Covenant: Therfor, in the beginning of ther duplyes, the doctors of Aberdeen did prefixe ther owne vindicatione, which, in some things, was

little better then contradictorie to ther antagonistes apologye, albeit with the rest of ther duplyes it standes unanswered. Wherin they shewed that the three Covenanter ministers had come to Aberdeen, Fryday, July twentieth; that the very same night they sent them ther demaundes in wrytte, to which they returned ane ansuer, Saturday, July twenty-first; but that thes ansuers came not to the handes of the doctors till Sunday morning, nor that they gott licence to reade or consider thes ansuers till the afternoon's sermon was ended; but that hearing that the threë ministers had preached in the hearing of the Aberdeen's men, in Earle Marishalls closse, without ther consent, and that in ther sermon they had made a forme of ansuering theer demaunde, the which they did publickly reade, affirming withall, that they had givne full satisfacione to the doctors in a wryttne copy of ther ansuers which they had sent them, and by that meanes had laboured to draw over the people, they knowing how unsatisfactorie thes ansuers wer to ther demaundes did give licence (and not till then) to the printer to publishe ther querees, which at first they did not intend to printe, but afterwards, considering how much they might tende to the people's confirmatione, they did resolve to printe them, but not to macke use of them but as they should see cause, which by reading them afterwards, upon Sunday, as said is, they thought was sufficiently occasioned; that in the next daye, July twenty-third, they did wrytte ther replyes, intending to printe them upon Tewesday, July twenty-fourth, but by the entreaty of a nobleman they wer moved for to sende backe the ansuers to the three ministers, that they might revise and perfecte them, as by his sollicitatione they wer moved to delay the printing of ther replyes till Fryday, July twenty-seventh, but that after they had gottne back ther ansuers they added, nor diminished, nor altered nothing in ther ansueres; that they sent ther replyes (to the three ministers) upon July twenty-ninth, Lord's daye, and to the presse, Fryday, at night, July twenty-seventh, but that they gott no answer to ther replyes till Tewesday, August fourteenth, wntill they came from the presse, which was eighteen dayes after they had receaved ther replyes. As for the refusall of ther pulpitts, that it was not a simple refoosall, for they wer contented that they should preach in their pulpitts, so that they would give them satisfacione concerning the late Covenant, as also to such demaundes as, indeed, wer the reasones which made them averse from ther Covenant. *Lastlye*, They shewed that the three ministers had not great reasones for to talke of many subscribers, being that the first Lord's day thes who subscriybed wer thought enclyned that waye

A. D. 1638. befor, and the next Lord's day scarce any at all, yea, and many who went to heare them professed that they went away mor unsatisfied with the Covenant then they had been.⁽¹⁾

Thes querees with the answers and replyes wer shortly after, by the Marquess of Hamilton's order, reprinted at Edinburgh, and ther duplyes wer, not long after, lyckewayes reprinted at London. It wer against my pourpose of a narratione to insert all that which is yet extant in printe, and to epitomise them might wrong both partyes. I shall content myself shortly with giving the reader ane accompt of the querees themselves, which wer the grounde of the dispute, without additione of ansuers ; which mor rationally may bee done because, by ther duplyes, all that ever was said for removall of the doctors of Aberdeens scruples was shewed to have been to no pourpose, and, in steade of satisfying the doctors and healing thes doubttes, thes duplyes did macke good to all that the querees wer upon good groundes and such, as by thes ansuers of the three ministers, wer no wayes tackne out of the waye. And next, because the namelesse author of the booke called *Historia Motuum Regni Scotiae* (said to be Mr. William Spange, minister at Camveer), who calls his booke an historye, although mor truly an apologye, tells us, *pag.* 61, *et deinceps*, that the reasones why a number subsigned not the Covenant wer all reducable to three, although himself knew of thes querees of the doctors of Aberdeen that they wer in all fourteen, but one lesse then five tymes three, and wer as follow :—

Firstly, By what power or warrant thes three ministers could urge them or ther people with the subscription of the Covenant, since neither the King nor counsell nor any Nationall Synode of Scotland, nor any established judicatory, by the Synode, had sent it to be subscriybed ? As also, how could they enforce upon them or ther people the interpretation of the articles of the Negative Confessione ? In respect wherof as also in respect of the bande of mutwall defence against all persons whatsoever, ther late Covenant was substantially different from that which was subscriybed by King and subjects, *anno* 1580 *et* 1581.

Secondly, Whither they ought to subscriybe such a Covenant, seing that all Covenantes made for mutwall defence amongst subjectes, without the privyete of the King, is contrare to the acte of Parliament, at Linlithgow, *anno* 1585 ?

Thirdly, If it be alledged that, in extreme necessitye, such actes of par-

⁽¹⁾ [See Generall Demands concerning the late Covenant, pp. 71, 72, edit. Aberdene, 1662.]

liament may be contraveened, *Queritur*, If ther was such an extreme necessity now, seing the King has, in his proclamations, declared and protested, and tackne God to wittnesse, that he never intended any innovation of relligione; and, also, seing he had removed all that made men feare novations, viz., Service Booke, Booke of Canons, and the exorbitancye of the High Comissione.

Fourthlye, Concerning the interpretatione of the Negative Confessione, which is urged upon us, wherin the Articles of Pearth and Episcopacye are declared to be abjured, as weall as all the poyntes of poperye, *Queritur*, Who are the interpreters of that Confessione? that is, whither all the subscribers, or the ministers conveened in Edinburgh in the end of February, who sett it downe? If all the subscribers, then what reason was ther to receave ane interpretatione from laicks, ignorante people, and children? If only thes ministers, conveened then in Edinburgh, then, seing no man should tacke honour to himself but hee who is called of God, as was Aaron, Hebrews, v. 4, What power and authoritye had they over ther brethern, to give out a judicall interpretation of thes Articles of faithe, and to enforce ther interpretation upon others?

Fyftlye, Whither any could, with a good conscience, subscribe the Negative Confessione, as it is expounded and interpreted by the contryvers or the authors of the late Covenant, seing it mackes a perpetwall law concerning the externall rytes of the church, which God hath not made, as if thes rytes wer unchangable? *Second*, How they who sweare the Positive Confessione and the Negative can eschew contradictione; for the Positive Confessione, chapter twenty-first, evidently declares that thes rytes are chaungable, according to the exigencye of tyme, and, consequently, that no perpetwall law may or ought to be made concerning them? *Third*, Lyckwayes, we would know how it can stand with truthe to abjure all those rytes as popish, which are used in the church without divyne institution expressed in the worde of God; seing evne thoise who urge the Covenant practise some ceremonyes which are not mentioned in God's Worde, as the celebration of marriadge befor the church, in the beginning or at the ende of divyne service, with all the particulars of it, and the stipulation of fathers and godfathers for the chylde in baptisme, which are not meer circumstaunces as they use to distinguish, but also ceremonies properly so called?

Sixthlye, Whether or not it be fitt to subscribe such an interpretation, as in matters of lauffullnesse and unlauffullnesse, and, consequently, in matters

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Seventhlye, Whether it be agreable to charity or pietye to requyre thes to abjure thes rytes as popish which, in the synceritye of heart, following the light of conscience, they have hitherto practised as lafull and laudable, and as yet doe practise? And supposing any might so requyr of them, *Qweritur*, Whether or not it becommeth them so peremptorly, and upon such a soddaintye, to urge men to this who thes bygone twenty yeares have desyred earnestly to enjoye the freedom of ther conscience in ther ministrie, even in denying obedience unto thes thinges and standing lawes for them; and when they wer urged to obedience did so oftne proteste, and earnestly request that they might have tyme to be weall informed and maturly advysed of the matter, which, to the most pairt of them was gratusly graunted? Lett them therfor looke to that naturall maxime, *Quod tibi fieri non vis, alteri ne feceris*, and to our Saviour's wordes, Matthew vii. 12, of the same sence.

Eighthlye, Whether it be fitting to sweare to defende the King's person and authoritye with this limitatione, "In the defence and preservation of the true relligione, lawes, and libertyes of this kyngdome?" as if ther persons ought not to be defended against all enemyes, albeit as yet they embraced not the truthe; or, having befor embraced it, yet have fallne from it; or as if the royall authoritye wer not to be acknowledged, although commanding thinges unlafull; or as if we wer not subject therto in yeelding to suffer under them when we give not active obedience to them?

Ninthlye, Whether or not any could sincerely sweare to mantaine authoritye, truly and properly monarchicall, of the King; and, withall, sweare also disobedience to thes articles which are authorised by his standinge lawes, and to mantaine the meanest of his subjectes against him in ther disobedience of his lawes, as yet standing in vigour, concerninge thes thinges?

Tenthlye, Whether or not any ought to sweare to such a Covenant, which taketh away from the swearers all hopes of a free Assembly or Parliament to judge of the matters presently debated? for how can thes vote freely of any matter propounded to the decisione and deliberation of the

churche and estate who have alreadye sworne to adhere to one pairte of the questione? and how can thes who dissent from them submitt themselves to ther judgement, cheifly seing they are possessours, and have lawes civill and ecclesiasticke standing for them as yet?

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Eleventhly, Whether ther subscribing, together with ther people, to the Confessione of this natione, which is ratifyd and registrated in Parliament, anno 1567, may not give full satisfacione to all who doubt of the sinceritie of the subscribers therof in ther professione, if so be they have no further aime but only to know and see the willingnesse of such, and ther constant resolutione to adheare to the religion presently professed, and to oppose all errors contrarye to it to ther lyves ende? Now, seing they wer willing to doe this, as they tacked God to wittnesse, why then should they be hated, maligned, and traduced as enemyes of the truthe, only because the conscience did not suffer them to subscribe to that interpretation of the Negative Confessione insert in the Covenant (concerning which they neither saw warrant of the truth of it, nor lafull authoritye bynding any man unto it), and to the politicke and militarye part of that Covenant, which is a thing without the compasse of a minister's callinge, and not belonging to that contending for of the faith once delyvered to the sainctes, of which Saint Jude speaketh in his Epistle?

Twelfthly, Wheras, ther is a report of diverse disorders and violent miscarriages of those who have subscribed the Covenant against ther brethren of the holy ministrye, who continow in ther obedience to the lawes of the churche and kyngdome; which miscarriages being done without all forme of justice or legall proceeding, are ane exercising of revenge by privat authoritye, and consequently are forbiddne in the sixth commandement; which is a reasone to move any not to joyne themselves in the Covenanters societie: they therfor desyred to know of the reverend bretheren who wer come to presse or recommend the late Covenant, *First*, Whether or not they doe allow thes disorders? *Second*, If they allow them, what reason have they so to doe? and, if they allow them not, how is it that thes disorders and miscarriages are not publickly by them, and other pastors of ther confederacye, condemned and sharply rebooked in ther pulpitts? why are the actors of them not tryed and censured? and why doe they delay to give out some publicke declaratione, either in print or wrytte, to this effect, being long since exhorted to doe so?

Thirteenthly, How they could subscribe the Covenant without incurring

A. D. 1638. many greivouse scandalls; as, *First*, The scandall of dissenting from other reformed churches and famouse divynes, the cheife instruments of the reformation of the churche in Europe, who did hold thes rytes which are abjured in this late Covenant, as meerly unlauffull, popish, and idolatrouse, to be in ther oune nature lauffull. *Second*, The scandall of dissenting from antiquitye, and vilepending it altogether, in matters of the externall policie of the churche, which we know, and have founde by frequent experience to be a thing that macketh many papistes mor averse from our professione then otherwayes they would be. *Third*, The scandall of perjurye, which thes cannot escape who did sweare obedience to the Articles of Pearthe and to the Bishopp at their admission to the ministrie.

Fourteenthly, Last of all, Since they had thes scruples in ther myndes concerning the Covenant, as also, seing they are confident of the lauffullnesse of the Pearthe Articles, and of the lauffullnesse and venerable antiquitye of Episcopall government, how could they, with a safe conscience, give waye to such to preach in ther pulpitts, pourposly to draw awaye ther hearers from that which they, the ministers, did embrace as lauffull; and from that obedience which they owe heerein to the King, who, by his last proclamation, had givne satisfactions to them all. And they did wish thes three ministers to consider how they could requyre that of them, seing they would not (as they appeald to ther consciences) be content that they should be so dealt with themselves, viz., that any should goe upp to ther pulpittes, and condemne ther doctrine and practise, and withdraw ther people from that which hath been befor recommended to them as truth. And then they closed all with an exhortatione unto them to looke narrowly into ther owne consciences, to judge charitablye, and to deale with them in love and meeknesse, and, finally, to seeke peace and follow after it, least otherwayes Scotland should be exposed to a dangerous warre, and all its consequences.

are given out
by the Cove-
nanters but
for three.

LXXIX. By thes qwerees, it is apparent that the doctors of Aberdeen ther scruples wer mor in number than three, which are reockned by our nameless author.* The first wherof he mackes to bee—

First, That they thought it unlauffull to abstaine from the practise of Pearth Articles, both being enacted by acte of Assembly, and confirmed by actes of Parliament, and they thertoo obliged by oathe; which he stryves to answer ther, by shewing the unlauffullnesse of the Assembly, wher, in

* Historia Motuum, pag. 61.

some few periods, he has answered all that has been wryttne for the defence of it by a Scottish bishopp.* But somewhat is forgottne, viz.:—*Firstly*, To prove the unlauffulnesse of the Parliament. *Secondly*, The unlauffulnesse of thes articles and episcopacye in themselves. *Thirdly*, To prove that such as wer in ther conscience convinced that they wer formally introduced, and that they wer materially lafull, might, for all that, abjure them, and the obedience to the King's law, by which, at that tyme, they wer established, as the doctors of Aberdeen fully evince in ther dispute. Our author should have answered ther duplyes, or been silent.

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His *third* scruple, that he says kept many from the Covenant was, that they thought it unlafull to enter into ane engadgement which might involve them into a necessitye to arme themselves against ther prince. To which he shewes that this question was thorny, and had alwayes been a probleme. But he should have done weall to have tackne notice of the doctors of Aberdeen ther duplyes, who macke it apparent that it is not so thorny nor problematicke a questione if absolute monarches may be resisted. Then he tells us that the Covenanters in ende wer forced for to publish a booke, called “Ane Information for Defencive Armes,” and gives us an accompt of the summary argumentes of this booke, in two pages of his worke, in ende referring us to others. But his argumentes, being looked upon, are either a begging of the questione, or a *facto ad jus*, or doe relate to conditionall and nominall princes who will be found to be the people's delegatts, when all circumstances are examined, and kings only in name.

Another, the *second* scruple that he mentioneth, that, by the Scottish law, bandes of association are unlafull, which made many at first to refoose the Covenant; which first he ansuers, by shewng that all covenantes made to God's glorye are lafull, which is to begge the questione; and, *next*, that the Covenante had been befor subscribyed in *anno* 1580 and 1581; but forgetts to tacke awaye the exceptiones and disparitye of thes subscriptiones at that tyme, and of that Covenant, with this new one, which are alledged by the King in his Large Declaratione, by Dr. Johne Forbess of Corse, in

* Mr. David Lindsey. [The work alluded to is “A Trve Narration of all the Passages of the Proceedings in the generall Assembly of the Church of Scotland, holden at Perth, the 25 of August, *Anno Dom.* 1618. Wherein is set downe the Copy of his Maiesties Letters to the said Assembly: Together with a iust defence of the Articles therein concluded, against a seditious Pamphlet. By Dr. Lyndesay, Bishop of Brechen. London, 1621.” The “seditious pamphlet” alluded to was published anonymously in 1619; it was written by David Calderwood.]

A. D. 1638. his Warning (which the three ministers in ther second ansuers to the doctors of Aberdeen qwarell so much with); and, *lastly*, by the doctors of Aberdeen in ther duplyes and ther querees, of which eneuch has been alreadye spockne. Our nameless author has twoched the argumentes he would have done weall to have answered; all which would have swelld his booke to a bigge volume. All thes passages at Aberdene wer soone made knowne to the Kinge, who tooke it so weall, that he sent letters (which wer brought and delyvered by George Lord Gordon, August thirteenth) to the touneshipp of Aberdeen, dated Oatlands, July *ult.* 1638, thanking them for hindering straunge ministers from preaching in ther pulpitts, and exhorting them to continew in ther loyaltye. The King's letters wer seconded by ane expresse from Ducke⁽¹⁾ Hamiltoune, date Halyroodehouse, August tenth, wherein he thanked Aberdeen for ther loyaltye, and willed them to hinder the subscriptione of the Covenant, as farr as in them lay; but withall to hinder it in a faire and peaceable waye. The King lyckwayes wrott letters to the doctors of Aberdeen, dated at Oatlands, August fourth; them he thankes for ther queries givne in to the Covenanters, as also for opposing the Covenant, which letters wer seconded by letters from Hamiltoun muche of the same straine, dated from Halyroodhouse, August tenth.⁽²⁾ About thes tymes, the King having had information of the sufficiencie of the Lord of Lorn, from his father Argyll (in former tymes), calles for him to court, but he being come, was put by, by the jealousye of the Hamiltounes, wherupon he tooke it in snuff, and tould the King that he would be for the countrey; and after his returne home, with the first opportunitye, declaired against the King, and ever after opposed him: Nor to this day have I yet learned any other cause of his opposition to the King's interest.

Hamilton
comes back
to Scotland;

LXXX. It is now tyme to convey the Earle of Montrosse and the three ministers south againe; for it's probable that the reader is as wearyd of the relatione as they wer troubled with the querees and the duplyes. Lett's looke now with them to Hamiltone the Comissioner's motion; who made not long stay at courte till he returned with new instructiones from the Kinge, willing him to keepe the fifth of Auguste ther, and gave him order for the indicting both of a Generall Assembly and Parliament; but so that first he should be fully satisfieed by all informationes which he could conve-

⁽¹⁾ [It may be almost unnecessary to remark, that Hamilton was not created a Duke until the spring of 1643.]

⁽²⁾ [All these letters are printed at length in Spalding, Hist. of Troub. vol. i. pp. 62, 63.]

niently receive of the constitutione of a Generall Assembye, with which many wer not then weell acqwaynted, none having been kept for diverse yeares befor; and, therfor, the King requyred of the Commissioner that with good deliberation he should agree both upon the members of the Assembly, ther qwalitye, and of what thinges wer usually treated and handled ther.

A. D. 1638.

LXXXI. Hamiltoune, at his returne, founde that the Covenanters had givne it out that the Comissioner, which was himself, was weall satisfeed with ther proceedings, and especially ther Covenant, in regarde of ther late explicatione they had made of it; and had used his being satisfeed as a motive wherby they had perswaded many of all sortes, especially of the ministers who had formerly stooode out against the Covenant, to enter into it in the tyme of his absence;* and that the three ministers, in ther ansuers to the querees of the Aberdeen's doctors, had the boldnesse for to print (which was trwe eneuche) that he, the Comissioner, did rest satisfeed with the Covenant, according to ther explication of it. This troubled the Comissioner, being a thing that did reflect upon the trust that the King placed in him; so that he was faine to attest the Lords of Councell, and diverse others of the nobilitye, and some of the Lords Covenanters themselves, for to be his compurgators; and, withall, to putt out his manifesto in printe,⁽¹⁾ for to declare his dissatisfactione of ther explication of the Covenant, as also his clearnesse from that aspersione. The Covenanters, on the other pairt, publish an ansuer to the Commissioner's manifesto, in which they confessed that they never heard him saye so muche verbally that he was satisfeed with that declaration; but that by probable reasones (which they expressed) they wer induced to beleve that he was satisfeed therwith. It cannot be denyd but the three ministers did affirme it positivly in ther printed ansuers, and many thought that all the injurye that they did to the Marquesse was that they should have told so much; for afterwards it appeared that they had no great reasone for to thinke otherwayes of him then they gave out concerning him then: but this paper shott quickly ended betuixt him and them.

who, at his return, complains that he was belyd by the Covenanters, and vindicates himself by a Declaration.

* "We are confident that the declaration wherwith his Majestie's Comissioner was so weall pleased, will also give satisfaction to oure reverend bretheren." Three Ministers first Answer to the Doctors of Aberdene, ther third Demaund, pag. 11, edit. Aberdene, 1662. [A similar passage occurs at p. 4: "Lyke as his Majesties Comissioner objecting, That our Covenant was suspect to be an unlawfull combination against Authoritie, and to be the main hinderance of obtaining our desires, hath accepted, and was well pleased with our Declaration."]

(1) [It may be seen in Spalding, Hist. Troub. vol. i. pp. 65-68.]

A. D. 1638.

He treats
concerning
the constitu-
tion of the
Assembly
which they
had often
petitioned ;

LXXXII. Much about this tyme the Covenanters startled anew at a print byble, wherein wer bownde upp the historical peeces, cutt in Antuerpe. The byble was fownde at Edinburgh, printed *cum priveledgio regis* ; this was complained of, that picturs wer put into the bybles with the King's authorite, and that heer was a palpable beginning of superstitione and poperye. But Hamiltoun, not tacking much notice of these alarams, beginnes to treat with them concerning the overtours of a Generall Assemblye. And to this pourpose he sent for some of the Councell to conferre with them, and that they might conferr with the principall Covenanters concerning some necessary propositions fit to be resolved upon befor the indicting of an Assemblye, both concerning the members of which it was to be constitute, and concerning the matters therin to be treated ; and that so much the rather because ther had been greivouse complaintes for the omission therof in the Assembly of Pearthe, and some others prior therunto, so farr as to macke the neglect or perverting that circumstance one of the reasones of ther nullitye when the Assembly of Glasgow sate this winter enswing, 1638. But that message was interpreted to imply nothing lesse then an absolute prelimitation of the Assemblye, which they did intende to have free and generall ; and, withall, they declared that neither of the members of ther Assembly, nor of the matters to be handled in it, would they speacke one worde (with the Comissioner they meant) till they came to the meeting place, and wer in the Assembly ; that it was then and ther that the Assembly itselfe was to be judge alone both of the competencye of the members elected, of the regularitye of the electione, and of all matters therin to be treated. Also, it was spockne then by severalls of the partye that if the King would not indiete ane Generall Assembly they could and would doe it, although they should lycke it better that the King would cause indiete it. And this treatye did nothing else but sett the pulpitts to worke for to advertishe the people of the dainger the church libertye was in by such limiting propositions, if they wer hearkned too. And to lett the Comissioner know that they wer in earnest, the presbytrye of Peebles, twenty myle distant from Edinburghe, beginne to choose Comissioners to the enswing Assemblye, to which electione gentlemen comissionated from ther severall church sessiones came under the notione of ruling elders, resolute to have aeqwall vote ther with the ministers of the presbytrye, and to have one of themselves to be chosne conjunct comissioner to the enswing Assembly with the minister who should be nominated comissioner from that presbytrye. Thes ruling elders, as they are

not to be founde in scripture, nor in the church practise in generall coun-
cells (except yow tacked the worde elder in scripture to signifie lay elders),
so ther constitutione, which was first sett on foote by Calvine, and ther
duty, had not been followed any wher after him in an uniforme waye, no
nor at first in Scotland in such termes as it was sett upp shortly after this,
when from pulpitt and presse the *jus divinum* beganne to be pleaded in Eng-
land as weall as Scotland, and to be thought a kynde of heresy to deneye
it. However, this was the first *entrado* upon the stage, and the first lifting
upp of ther heades, being that for many yeares befor they they wer exolite,
and had fallne out of presbytries of ther owne accorde; as since the As-
semble of Glasgow they have of the late tymes begunne to doe, never pre-
senting themselves, but wher they have a particular to doe. Otherwayes they
dishaunt both presbytries and provincials as things that many of them un-
derstand not, or are not concerned in, or as being abstractions from ther
other necessair affaires, or as expensive and toylsome; no allowance being
givne to them of maintenance, in relation to ther office, as to ministers; and,
finally, it not being agreed upon by the ministers amongst themselves, nor
by the ministers with the elders, what the outmost limitts of ther office are,
or what is common or distinct betuixt them and the ministers. But to re-
turne to our purpose.

LXXXIII. All thes thinges putt the Comissioner to a stande, nor could
he tell what to resolve; for he founde that though the pryve Covenanters at
first spokke but only of limiting and restricting of bishopps, acording to the
lawes of the church, yet that now they beganne to be sparing of ther de-
clarations concerning them till the Assembly should sitt; and, withall,
under his nose, he hearde the order of ruling elders setting themselves upp.
Fynding therfor that his instructiones did not warrant him to indite an As-
sembly in such termes as they would have it, he resolves once mor to goe
backe to the Kinge, and acqwaynt him that he founde the Covenanters not
only obstinate to ther principles, but that lyckewayes he discovered that they
had further projects then the King did apprehend of, or possibly themselves
at the beginning had thought upon. Therfor he tould them plainly that he
had a warrant for to indite an Assembly, but upon such termes as he gave
them in the followng articles:

First, That all ministers deposed or suspended by presbytries since the
first of February last, without warrant of the Ordinarye, should be restord
till they wer legally convicted.

and proposes
Articles for
that pur-
pose;

A.D. 1638. *Second*, That all moderators of presbytries deposed since that tyme, without such warrant, be restored; and all others chosne in ther steade to desiste from acting as moderators.

Third, That no minister admitted since that tyme, without such warrante, shall exercise the function of the ministrie.

Fourth, That all parishoners repair to ther oune church, and that elders assiste the ministers in the discipline of the church.

Fifth, That all bishops and ministers have ther rents and stipends duly paid them.

Sixth, That all ministers attend ther oune churches, and none come to the Assembly but such as shall be chosne comissioners from the presbytries.

Seventh, That evry moderator be appoynted to be a comissioner from that presbytrie wher he is moderator, according to the acte of the Assembly, 1606.

Eighth, That bishops and other ministers who shall attend the Assembly, may be secured in ther persones from all trouble and molestatione.

Ninth, That no laye persone medle in the choise of comissioners from presbytries.

Tenth, That all convocations and meetings may be dissolved, and the countreye be made peacable, and all actes forborne which may macke it seeme otherwayes.

Lastly, That the King may be satisfed concerning the Covenant, and it may be pressed upon none, and no mention therof in pulpitts.

which are
rejected and
answered by
the Tables.

LXXXIV. Thes articles being receaved and considdered of by the Tables, they did loocke upon them as contrived by the bishopps, and esteemed them no better then either such as did impede the calling of an Assembly, or that they wold macke it unprofitable, being calld, and did praelimitate it, as they had reason to think; they being resolute to have no members ther but such as they either wer sure of, or did at least presume upon ther inclinations ther waye. Wherfor they did returne ane ansuer in wrytte to thes, much to the pourpose following:—

That the *three first* particulars did concerne the power, dutye, and particular factes or faultes of presbytries; and that it was proper for the Generall Assemblye for to judge if they had done right or wrong, or if the bishopps wer to be questioned for incroatching on presbytries. As for deposed ministers, they knew not of any, but only of some suspended for erroneouse doctrine and flagitious lyfe, till the next Assemblye, till they be

tryed ther. As for moderators, that ther was none deposed, but some chaunged, according to the practice of the churche. A.D. 1638.

To the *fourth*, That it was to be cognosced by particular presbytries, and if no redresse wer founde ther, then a Generall Assembly wold help it.

To the *sixth*, Non shall come to the Assembly, but Comissioners allowd, or that otherwayes they can justifie ther interesse to the Comissioner and the Assemblye.

To the *seventh*, That constant moderators wer only founde necessary members in the Assembly 1606 (which Assembly was never reputed lauffull); and if both moderators, who need not to be chosne, and chosne Comissioners, repaire to the Assemblye, ther to be members, the Assembly itself can best judge.

To the *ninth*, They ansuered, that non but ministers and elders, according to the church discipline, wer to have voice in choosing Comissioners from presbytries, and that no minister or elder shall have voice in election, but in his own presbytrye.

To the *fifth*, For payment of steepends, the lawes are patent to ministers and bishopps.

To the *eighth*, They should promise securitye to all for ther oun pairtes, and they should hinder others, so farr as they maye; and if any trouble them but by order of law, they are punishable.

To the *tenth*, They could not dissolve meetings which wer only conveend for to advyse concerning the remedyes of evils till the evils wer removed; but they wer sure that in non of the meetings had they carryd undutifullye, but as humble subjects and loyal petitioners.

Lastly, Concerning the Covenant, they had already, by invincible arguments, shewed the Comissioner that they could not leave it without sinne against God and conscience, and wronging the natione; and that the Comissioner was therwith satisfeed already by ther last supplication and declaratione.

Upon this ansuer, the Comissioner told ther cheefe men that such ane Assembly could not be free (though he had warrant, he denyd not to give them a free one), wherto they should bring in all they had a mynde too; and that he had no warrant to goe along with them, except they should tell him what manner of persones should sitte ther, and what they intended to doe, or if ther intentiones wer legall; if not, he behoved to go backe to the King; and that if they would lett him know ther outmost desyres, he wold ac-

A. D. 1638. qwaynte the King with them, and within few dayes either returne with the ansuer, or that it should be sent. The Comissioner's proposition was debated at ther Tables, and at last, by a pluralitie of votes, it was graunted to lett him returne, and they to forbear the indicting of an Assembly till September twenty-first; befoer which time, if they gott no ansuer, they would proceede with ther resolutions. As for ther desyres to be made knowne to the King, they should be made knowne in a free Assembly and Parliament. But thes delays and treatyes wer interpreted by many that the King was but only gaining tyme upon them, and had no intention to give them ane Assembly at all.

New Articles

LXXXV. But the Comissioner, to satisfie them further, contracted his former propositions, and caused them in a paper to be dispersed:

First, If the Lordes and the rest will undertacke for themselves and the reste, that no laickes shall have voices in choosing ministers, to be sent from severall presbytries to the Assembly, nor non else but the ministers of the same presbytrie:

Second, If they will undertacke that the Assembly shall not goe about to determine of thinges established by acte of Parliament, otherwayes then by remonstrance or petitione to the Parliament, leaving the determininge of thinges ecclesiasticall to the Generall Assembly, and things settled by acte of Parliament to the Parliament:

Then I will presently indite a Generall Assembly, and promise, immediately after the Assembly, to indite a Parliament.

rejected by the Tables also; and the Comissioner returns to England.

LXXXVI. Thes propositiones wer no mor satisfactory then the former, therfor the Covenanters beginne to thinke upon indicting of a Generall Assembly themselves; wherupon the Comissioner declared that he would leave off to mediate any mor betuixt the King and them if they should so continue to prosecute. This declaration, he putt out in wrytting; in ende the Tables wer contented to give a breathing tyme to the Comissioner once mor to goe to the King, and to forbear electione of Comissioners till his returne with a mor pleasing ansuer, which they limited to him to be befor the twenty-first of September next. And so the Comissioner makes a new journey, having advysed with the Councell in pairt (for sundry of them enclynd to the Covenant), of such overtures as they thought fitting to propose to the King for settling of peace; which wer first to extracte a note of all the Covenanters greivances, petitiones, supplicationes, etc., out of ther oun papers, as they had been exhibited since the beginning of the troubles:

and nexte, for to have the Confessione of Faithe subscrib'd in that same A. D. 1638. termes that King James the Sixth, *anno* 1580, had caused subscribe it. The *first* was proposed that the King might ground his concessionnes upon ther petitiones. The *second*, that heerby they might be cleared that the King intended not to introduce, nor so much as tolerate, popery in Scottlande. Thes overtures wer thought plausible, being represented to the Kinge, who dispatched the Comissioner backe to Scottlande, within eight dayes after his coming to the court at Oatlands (wher the King then laye), with a graunt of all that the Comissioner and Councell of Scotland had desyred for ther satisfacione.

LXXXVII. But the Comissioner, at his returne, founde that the Tables had givne order for electione of Comissioners to the Assembly to beginne to be chosne upon the twenty-second day of September; macking ther promise relate to the choise of Comissioners, which the Marquesse of Hamiltoun toocke to have related to his giving his ansuer. This was tackne, not only by the Marquesse (who did lett it passe), but by many others, for a kynde of equivocacione; and, indeed, acording to the order of the Tables, severall presbytries beganne, September twenty-second, to choose Comissioners to the Assembly, that was not indicted till some dayes after the elections wer past. And albeit they wer abstemiouse in disclosing anything to the Comissioner about the constitution of ther Assembly, though he was curiouse to condescende with them about it, yet they were not wanting to the severall presbytries for to send unto them such instructiones as might serve to regulate them in the electione of ther respective Comissioners. It was called a directione for presbytries, and was as followeth:—

First, That evry presbytrie should have a coppie of the acte made at Dundee, March fourteenth, 1598, concerning the number of Comissioners. —Which acte did confesse that ther number had never been agreed upon till then; and next did defyne them to be three ministers from evry presbytrie, at the most; one from evry presbytrie, in name of the barrons; one from evry brugh, except Edinburgh, who have power to send two Comissioners to the Generall Assembly.⁽¹⁾

Second, That evry presbytrie have a coppie of the Comissione to be givne to ther Comissioners, the tenour wherof was lyckwayes sent alonge to them in wrytte.

Returns, and
finds prepar-
ation for a
General As-
sembly.

(1) [The Act will be found in the Booke of the Universall Kirk, p. 476.]

A. D. 1638. *Third*, That evry church sessione send one of the most qwalifyd elders to the presbytrye, upon the day that ther Comissioners are chosne ; and by the common consent of the ministers of the presbytrye and the elders presente, ther may be chosne Comissioners for ministers and some weall affected and qwalifyd nobleman or speciall gentleman, being a session elder of some church within the presbytrye, in name of the barrones, etc.

Fourth, Ministers, erroneouse in doctrine, or scandalouse in lyfe, presentlye to be processsed, that they be not chosne Comissioners ; or if such shall happne to be chosne by the greater pairt, that all the best affected, both ministers and elders, protest, and come to the Assembly to testifie the same.

Fifth, To send to evry presbytry a copy of the printed reasones for ane Assemblye.

Sixth, That moderators, be vertwe of ther offices, be not Comissioners to the Assembly, except they be chosene.

Seventh, That the presbytries in one of the ordinary meetings appoynt for to convene solemnly after the twentieth of September, either upon the twenty-first, twenty-second, twenty-third, twenty-fourth, or twenty-fifth, for choosing of ther Comissioners to the Assemblye, and for to send them hither to Edinburgh befoer the first of October, or as soone as they can, that, with common consent they may receave the Kinge's last answeare, and advyse concerning remedyes in the church necessitye.

Eighth, That a fast bee kept upon the sixteenth of September, the second daye preceding the electione.⁽¹⁾

To these instructiones, wer added some directiones concerning rulinge elders, pairtly perswasive, to ministers, to admitte them ; pairtly unto gentlemen and others, to possesse themselves, and vote, in caise ministers did refoose them : of which somewhat already, and mor afterwarde.

LXXXVIII. Thes articles the King judged afterward a prelimitation of the Assembly. The second article was excepted against, as setting downe a sett forme of a Comissione to be made to the Comissioner, never practised befoer in any Assemblye ; which was remarked when they wer reade afterward in the Assembly of Glasgow, for all the Comissiones wer the same verbatim, except some few from some presbytries, who rejected the Tables' forme, and gave power to ther Comissioners to continow no

The King
censures
their instructions as a
prelimitation of the
Assembly ;

(1) [See the King's Large Declaration, pp. 129—131]

longer in the Assembly then the King, or his Comissioner in his name, should continow it. It was excepted lyckwayes, that, by this article, presbytryes wer ordered to tacke it *pro confesso* that ther wer innovationes in the churche, which are corruptiones and disorders, disturbing the peace, and tending to the overthrow of relligione and libertye within the churche; which was to praejudge and tacke for graunted that thes thinges which wer to be tryed in the Assembly, *videlicet*, (whether thes thinges complained off wer innovationes and corruptiones or not) wer so indeede. A. D. 1638.

The *third* article was excepted against by the King, because it did apoynt layemen to sitt in presbytryes, which they had not done in forty yeares befoer. *Second*, Laymen to be aeqwall in number with ministers, alledged to be contrary to the Bookes of Discipline, which ordered that ministers in number should alwayes exceed laye elders, and wer never aeqwall with them in number till now. *Third*, That laymen should have voices, both in choosing ther owne ruling elder, and of the three ministers to be Comissioners, never befoer practised in the church, as was alledged. And, indeed, the article concerning ruling elders bredd contest in some presbytryes; and it seemed to ministers very uncoth, that the ruling elders, after forty yeares' prescription, should stepp into presbytryes in aeqwall numbers and suffrages; a preparative very dangerouse, wher presbytryes had many noblemen and gentlemen of power and command amongst them; for, by this meanes, it would in ende come to passe (they said), that thes ruling elders would rule all. To which exceptiones the instructiones from the Tables wer opposed, and the actes of the Bookes of Discipline (bookes scarce knowne to this day, no mor then at that tyme to many ministers). Lyckwayes was alledged, Parliament sixth, James Sixth, anno 1592; that ruling elders wer still in use, untill that bishopps came into the churche; that prescriptione of a few yeares could not praejudice ther right to sitt and vote in presbytryes, they being constitute by church canons, but never discharged by no acte of Assembly; that ther was no mor hazard that ministers should be outvoted by aeqwall numbers of ruling elders in presbytryes, then by the elders in sessiones, wher they are sometymes twelve to one with the minister; that it was not right for to debarre gentlemen of breeding and pairtes, for to admitte for assessors to ministers meane men, evry way to them inferior. *Lastly*, No hazard to be overpowred by such a parity of elders, because ministers were still moderators, and never laickes.

Against the *fourth* article, it was excepted that, under pretext of citting

A. D. 1638. ministers suspect of Popery, Arminianisme, or branded with flagitiouse conversatione, to compier befoer the Assemblye, in this waye, they might debarr all ministers from Commissiones whom they suspected opposite to ther courses. For, as instantlye they did suspend all ministers in presbytryes (wher they had voices to doe it) who had not subscriybed the Covenant; so any one Covenanter minister in a presbytrye, by this article, was put in a fair capacitye to debarre whom he pleased, seing no man could be denyed an originall processe against any man whom he meand to impleade. Yet, by such an article all evasione from such a snare and inconvenience was tackne away from such a one if he should be chosne Comissioner; for in this case they had ordered the rest who gave not voices to protest against the electione, and complaine of it to the Generall Assembly, wher they would be sure to processe him, and lay him asyde untill his processe should be discussed; which was afterwards accordingly done, not only at Glasgow, but at such times as they beganne, sevrall years thereafter, to fall into a shisme.

The *sixth* article was alledged to be against the constitutiones of the church then in force, which was, that moderators in presbytryes, constantly in office, wer still one man, as most able thus to give ane account to the Assembly of all the presbyteriall actiones.

The *seventh* article was interpreted to be the putting in practise the above mentioned aeqwivocatione, viz. to macke ther electiones befoer they receaved the Kinge's ansuer. And for their order to repaire to Edinburgh after ther electione, to advyse what was fittest to be done, it was consterd to be no better then to preconveene and hold ane Assembly at Edinburgh, ther to receave ther directiones how to carry themselves, and how to hold the Assembly at Glasgow, when they should meete ther.

This was the censure of ther publicke instructiones; as for ther privatt directions, they shall be heard of in ther owne place.

Sept. 22.
commands
the King's
Covenant to
be subscrib-
ed, and dis-
charges Ser-
vice Book,
Book of Ca-
nons, High
Commission,

LXXXIX. The Comissioner, immediatly after his returne, conveyd the Councell, September twenty-second, at Halyroodhouse, and delyvered to them the King's letter, which was reade, and ordered to be registred in the actes of Councell;⁽¹⁾ by which letter he signified his desyre to have the Confessione of Faith subscriybed, as it was in *anno* 1580 warranted by his father, and reqwyred the Councell for to order the subscription of it evry whair in Scotland. Next, he declared his resolutione to live and dye in

(1) [See the King's Large Declaration, pp. 134, 135.]

the reformed religion; and for other particulars, he referred to his Commissionair. The letter was heard with professione of thankes, and the rest of the instructiones wer communicated to the Councell, and by some of that number to the Covenanters, who did what they could for to hinder this new subscriptione of the old Confessione and Band, by the King's authoritye, telling what rupture would instantly therupon follow; but, after twyce hearing, the Councell repelld ther desyre as not rationall, and resolve to publish it on Saturday. The Covenanter Lords, seing better could not bee, desyre a delay till Monday thereafter, promising to seeke no longer delay, if at that tyme they shewed not good reasones not to publish it. But the Councell (such at least who wer really for the King), apprehending that the delaye was only to gett tyme to draw upp a protestatione against it; *secondly*, that from the pulpittes of Edinburgh, the people might be gwarded against it; *thirdly*, that they might the mor conveniently send poastes abroade, with cotypes of the protestation, to meete the proclamatione, wherever it should be proclaimed at any merkatt cross: For thes causes, the Councell appoynted that the proclamatione should be that day published at the crosse of Edinburgh, which was accordingly performed.

The proclamatione was of the date, at Oatlands, ninth September, 1638, and it bore in its contents shortly, That the King was contented for to abrogate the Service Booke, and all actes of Councell, or any judicatorye for establishing therof. *Second*, That he did, in lycke manner, discharge the Booke of Canons (for the Booke of Ordinatione and the Booke of Homilies wer not as yet published). *Third*, That he lyckwayes did abrogate and discharge the High Comissione. *Fourth*, That he did leave the practise of the five articles of Pearth free to evry man's arbitrimint, and that bishops should be subjected to synodall censures. *Fifth*, That ministers should be obleidged to tacke no other oath at ther entrie then what was warranted by actes of Parliament. *Sixth*, And for to certifie them of his relligione, he warranted the renewing of the subscriptione of the Confessione of Faithe, which was, by his father's orders, subscrybed befor, in *anno* 1580, commanding the Councell first to subscrybe it, and next for to constitute delegates, who, in all pairtes of the kyngdome, should reqwyre all to signe to it. *Seventh*, He indicted a Generall Assembly to be holdne at Glasgow, to beginne November twenty-first, 1638, and a Parliament to meete at Edinburgh, May fifteenth, 1639. *Lastly*, for ther further security, he was content to forgett and forgive all that was paste, to all that would

A. D. 1638.

and leaves
the use of
Perth Arti-
cles free to
all.

A. D. 1638. acqwiesse, and to ratifie the acte in the followng Assembly. *Finally*, he commanded a fast to be indicted for a blessing to that Assemblye, and for turning away God's heavye judgements from church and kyngdome.⁽¹⁾

After the declaratione, was proclaimed the Confessione of Faithe, as it was first commanded by King James the Sixth, as also the band for defence of relligione, presently established, and of the King's persone and authoritye: the date of the Confessione of Faith was Marche, 1580, and the date of the bande was *anno* 1589. It was subscrib'd this yeare solemnly at Halyroodhouse, this yeare 1638, upon the twenty-second daye of September, first by Hamiltoun, Comissioner, and next by Traquair, Roxburgh, Marishall, Marr, Murrey, Linlithgow, Perth, Wigtoun, Kingorne, Tullibardine, Hadingtoun, Annandaille, Lauderdaile, Kinnoull, Dumfreise, Southeske, all earles; and by Lordes Belheaven, Angusse, Lorne, Elphinstoun, Naper, Dallyell, Amont; Sir John Haye, Sir Thomas Hope, Sir William Elphinstoun, Sir James Carmichaell, Sir John Hamiltoun, Blackhall.

Commissioners are appointed to requyre subscriptions to the King's Covenant;

XC. And upon the twenty-fourth of September, ane acte of Councell was past, wherby power was graunted to such of the Councillers and others noblemen and gentlemen as wer nominated in that acte, for to requyre subscriptions to the saide Confessione and Bande, through all places of Scotland; and that as they would be ansuerable to his Majestye and the saides Lordes, upon ther duty and obedience, to macke reporte therof to the Councell upon the thirteenth day of November next, in that same yeare, 1638. All thes Comissioners wer to have coppies of that Confessione, marked with the clerke of the Councell his hande, to macke the respective coppies authenticke. Albeit, for the abjuration of popery, it was the same with the other lately subscrib'd, yet the bandes of maintenance differed, and afterward it was called, by way of distinctione from the other, the King's Covenant. Heer insert the King's Covenant.*

Thes to whom the Commissiones wer graunted, for pressing subscriptions to the King's Covenant through the severall shyres, wer named indifferently out amongst thes who had subscrib'd the former Covenant, and wer declared for them already, or did shortly afterward declare themselves. As also, others wer named Comissioners for exacting subscriptions thertoo,

(1) [This proclamation is printed at length in the King's Large Declaration, pp. 137-139.]

* See it *verbatim* in the Large Declaration, pag. 140. Insert it heer. [It has been judged unnecessary to swell the work by the insertion of a document which is so generally accessible.]

who neither had subscribed the former Covenant, nor wer of the Covenanter's pairtye, but afterward constantly opposed it. Upon what accounte this was done by the Councell, lett the reader judge; for it is most certaine that Comissioners might have been easily nominated, who wer for the Kinge's interest, through all the shyres of Scottlande; and it was immediatly thereafter manifest to all that such Comissioners as wer Covenanters did never so much as tacke notice of that order, but protested against it. Albeit such as stode for the King in the respective shyres urged it, and gott a considerable number of subscribers to the King's Covenante. The Comissioners, who at that tyme wer professed Covenanters, or quickly after declared for it, wer the Earl of Lauthian, Kerr; the Lord Naper;* the provost and ballies of Edinburgh; James Maxwell of Innerwicke, groome of the Bedd-chamber; the Earl of Dalhousy; Sir William Douglass, Sheriff of Teviotdale; the Earle of Home; Earl of Rothesse; Earl of Dunfermyne; Earl of Weemes; Lord Lindsey; Lord Balcarresse; Sir Thomas Hope, the King's Advocate; Lord Balvairde; the Lord Amont (after Earl of Kalendare); Lord Angusse; Lockhart of Lee; Earl of Montrosse; Earl of Cassills; Earl of Eglintoun; Earl of Glenearne; Lord Lowdone; Lord Lorne (afterward Marquess of Argyll); Laird of Lawers; Earl of Kingorne; Patrick Maule of Panmure, groome of the Bed-chamber; Laird Dunne; Laird Aldbarr, Lyon; Earl Marishall; Sir Thomas Burnett of Leyes; Arbuthnett; Morphie; Lord Forbess; Lord Frazer; Earl of Findlater; Earl of Murrey; Laird Innesse; Laird of Brodye; Earl of Seaforth; Lord Lovatt; Earl of Sutherland; Sir Robert Gordon, gentleman of the King's Privy Chamber; besyde many others ther nominate. True it is, that some of thes afterwards did forsacke the Covenanters' pairtye.

XCI. Upon the other part, the Comissioners who wer either non-subscribers, or afterwards discovered themselves for the King, wer the fewest in number nominated. Of the number of thes, wer Earl Lawderdale, elder; Generall Ruthven; Sir James Learmont of Balcombye; Earl of Lithgow; Lord Dallyell; Sir Johne Dallyell of Newtone; Earl of Airthe; Sir Archibald Steward of Blackhall; Earl of Tullibardin; Earl of Southeske; Lord Carnegye; Lord Ogilvy; Sir Andrew Fletcher of Innerpeffer; Laird of Eithye; Laird of Hackertoun; Marquesse of Huntly; and Sir Alexander

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some of
whom were
Covenant-
ers.

* *Dubito*. [This note seems intended to mark the annotator's doubt whether the Lord Napier was even at this time friendly to the Covenant.]

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A General
Assembly
and Parlia-
ment pro-
claimed.

XCII. When the King's proclamatione for discharge of the Service Booke and subscriptione of the King's Covenant was made, ther wer lyckwayes isswed proclamationes of the date of that edicte for a Generall Assembly, ordaining all Archbishoppes, Bishopps, Comissioners of Kirkes, and others having place and vote in Assembly, to meete at Glasgow, as saide is. And this was seconded by another, wherby all noblemen, prelatts, comissioners from the barrons and burrows, etc., wer reqwyrd to come to Parliament, daye and yeare foresaide. And it is to be remembered that the Comissioner and Councell, by ther acte September twenty-second, declared that they subscriybed the Confessione as it related to relligione profest in Scottland, *anno* 1580, March second, with the bande dated in *anno* 1589: wherupon Sir Thomas Hope of Craighall, his Majestye's Advocate, in the Kinge's name asked instrumentes.

Letter of
thanks to the
King from
the Coun-
cell.

XCIII. The Lordes of Councell after all this, by ther acte of Councell and letter directed to the King, did give a testimony of their satisfaction to all the Kinge's concessiones. In which acte, as also ther letter, they doe offer, in testimoney of ther full satisfacione and acquiescence therwith, to sacrifice their lyves and fortunes in seconding the King his commandes, and repressing all such as shall heerafter preasse to disturbe the peace of churche and kyngdome; and they declare that, without any scruple, they had subscriybed the Confessione and Baunde. This was in ther letter. And then, in ther acte of Councell, they obleidge themselves by macking humble and heartye offer of ther lyves and fortunes in defending and assisting of his Majestye's sacred person and authoritye in maintenance of the forsaide relligione and confessione, and repressing all such as shall heerafter presse to disturbe the peace of this kirke and kyngdome. And all thes obligationes and declarationes wer subscriybed by the Earl of Traquaire; Earl of Roxburgh; Earl of Marishall; Earl of Marr; Earl of Murrey; Earl of Linlithgow; Earl of Pearthe; Earl of Wigtowne; Earl of Keanoghrne; Earl of Tullibardin; Earl of Hadingtoun; Earl of Anandaile; Earle of Lawderdale; Earl of Keanoule; Earl of Drumfreise; Earl of Southeske; Lord Belhaven; Lord Anguss, eldest sonne to the Marquesse of Douglass; Lord of Lorne, afterwards Marquesse of Argyll; Lord Elphinstoun; Lord Naper; Lord Dallyell; Lord Almont, afterwards Earl of Calendar; Sir John Hay, Clerke Register; Sir Thomas Hope, Lord

Advocate ; Sir William Elphinstoune, Lord Justice ; Sir James Carmichael, Thesaurer Depute ; Sir John Hamiltoune of Orbestoune, Justice Clerke ; Blackhall. But how severall of thes subscribents did observe this promise ther after carriadge has published unto the world ; or what they meant by such professiones and promises to the King, or what was the literall sence of that acte (for sure some of them meant it not in proper termes), such of them as are yet living can best tell.

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XCIV. But all this would not satisfie the heades of the Covenanters, though the multitude would have acquiesced, and, albeit this was all that was sought, and mor then was expected. At the first, the King his concessions, by degrees, taught them to seeke by degrees, and for to aspyre to mor then, in probabilitye, was projected at the beginning. They saw that the King had patiently suffered all that was past, and was still upon the yeelding syde. This made them resolute not to acquiesce in favours and grace, and actes of oblivion, which they thought his proclamationes implied ; which they consterd for a braunding of ther actiones with faultynesse. They will play out the game ; and, insteade of actes of grace and oblivione, they will needes have ther services magnifyd, themselves cryed up for the best subjectes, all others who had disowned or opposed them, punished or at least discountenanced and braunded as disloyall traitors by the King ; and ane Assembly and Parliament, wher themselves, and none other, wer to be judges and partye, and prooffe and wittnesses, and, in a worde, wher they wer to play all the pairtes of the game in ther owne favours, and for ther owne securitye. Therfor, befor the King's proclamation was to be made, the people wer startled, by ther diligent alarams, into a new trepidatione ; and it was signifyd that heerby a plott was laide destructive to the lawes and libertyes of the churche and kyngdome, and the Assemblye's freedome to be limited. And then immediatly, acording to ther new mode, up goes a large scaffold under the crosse of Edinburgh, wher the proclamation was to be made, wher presently was mounted not one or two from evry Table to protest in name of the rest as heertofoe they had done, but a great number of earles, lordes, gentlemen, and others, with ther swordes in ther handes, and ther hattes on ther heades, not without jeering and laughing (as is reported) during the tyme of the proclamatione ; which was no sooner ended but, with a behaviour unfitting for subjectes who profest so much reverence and loyaltye to ther Kinge, they asiste Mr. Archebalde Johnstone (who immediately thereafter was made clerke to the Generall Assembly of

A new Pro-
testation.

- A. D. 1638. Glasgow, and not many yeares turning over, grew mor illustriouse under the name of the Lord Warristounne), in reading a long voluminouse protestatione, which was shortly thereafter printed.⁽¹⁾ The summe whair of was much to this pourpose * that, having with great patience waited, they did expect at last a free Generall Assembly without praelimitatione.
- Sept. 22. *First*, They thanke the King for all the least blinkes of his Majestye's favour; yet withall they conceive not all that was graunted to be a sufficient remedy to ther greivaunces, because the King his declaratione ascribes all to a conceived feare of innovatiōe, when the cause of their feare was reall and just, concerning the innovatiōe of relligione and lawes.

Second, That the Service Booke and Booke of Canons by this proclamatione are only for biddne to be practised, whilst the former proclamationes, nineteenth February and July fourth, are not rescinded; wherby ther is ane high approbatione givne to both as a fitte meanes to advance true relligione and destroye poperye: That thes proclamationes forsaid declare his Majesty's pourpose to bring them in legallye: That this did macke them feare he would yet bring them in: That this did praejudicat the liberty of the Assembly: That *qui pauca videt, cito judicat*; it was only such as saw not depth of thinges who did runne rashlye, not considdering with whom they had to do.

Third, That in this proclamatione, the Perth Articles are supposed indifferent, and the practise only discharged, wherby the King did prelimitate the Assembly from any power to discharge them: That the King, by his declaratione, not onlye supposes the office of bishopes unquestionable, but establisheth ther order; this apparent, by indictione of the Parliament, warranting bishopps to have voice ther; as also, by the indictione of the Assembly, warning all archbishopps, bishopps, etc to be ther, as having voice, contrary to caveats, Church Actes, and ther declinator: That, therfor, they cannot be silent, since it belonged to the Generall Assembly to judge of thes thinges, nor rest satisfed with that declaratione, *First*, For it is against God's worde to be silent in anything that concernes the good

(1) [The Protestation of the Noblemen, Barrons, Gentlemen, Burrowes, Ministers and Commons; Subscribers of the Confession of Faith and Covenant, lately renewed within the Kingdome of Scotland, made at the Mercate Crosse of Edinburgh, the 22d of September, immediately after the reading of the proclamation, dated September 9, 1638. Printed in the year of God, 1638.]

* Large Declaration, pag. 157. *Historia Motuum, pag. 74, et seqq.*, enervates the narrative of this protestatione, as of other thinges.

of the church, either in prayer, preaching, or voycing, in a lafull Assembly; A. D. 1638.
 —Esaie, lxii. 6; 1 Kings, xviii. 21; Actes, xx. 20; 1 Corinthians, xii. 7;
 Matthew, xv. 18; Romans, i. 18; Revelations, ii. 14, 20, and iii. 15; Ther-
 for, to be silent, would prowoucke God's warath against them. *Second*, It
 was against the supplications and protestationes to be thus praedeterminated;
 it was against ther late Confessione. *Third*, Contrary to the endes of a
 Generall Assemblye. *Fourth*, Contrare to the Booke of Discipline, booke
 2, cap. 7; and the pretended Assembly, 1610, declares necessitye of annwall
 Assemblyes, without limitatione. *Fifth*, Lafull Parliaments are to be free
 from all praejudice of their libertye, Parliament eleventh, act fortieth, King
 James Sixth; as all other judicatories ought to have, Parliament sixth,
 act ninety-second, King James Sixth. Church libertyes are confirmed,
 Parliament twelfth, James Sixth; Parliament first, King Charles. This is
 worse then forstalling of thinges pertaininge to the naturell lyfe, forbiddne
 Parliament twelfth, acte one hundred and forty-eight, James Sixth. *Sixth*,
 It is contrary to ther complaintes against innovationes for to suffer ane prae-
 determination of ane Assembly, and would have been ill tackne at the
 Councell of Jerusalem, Neece, or the Reformers Assemblyes.

Fourth, That they did not fynde it expedient to subscribe the Confes-
 sion of Faith by the King's warrant, or as he warranted it, because, *first*, they
 wer prest to passe from the Covenant. *Second*, To alter its substantialls.
Third, To enervate it by a destructive declaratione, that this Covenant was
 pressed to bury thers, which they intended should bee ane everlasting Cove-
 nante, never to be forgottne.

Second, To subscribe this Covenant, wer to mocke God, by tacking his
 name in vaine, and was unnecessaire, they having shedd so many teares of
 joye at the subscription of the last Covenant. That they wer not to multi-
 ply oathes, nor play with them. N.B.

Third, It would involve them in perjurye, for this subscriptione is a di-
 vasive motion, which they have sworne never to entertaine, either for the
 matter or manner of ther oathe.

Fourth, It would manifest to the world that they wer guiltye of macking
 rashe vowes, if so quickly they preferr a generall confession to that which
 they made mor speciall.

Fifth, To subscribe againe with warrant from authoritye, wer to con-
 demne ther former subscriptione without authoritye, and for to praecondemne
 the lycke laudable course in ther posteritye; wheras the lesse constraint

A. D. 1638. ther bee in the lycke cases, ther is still the mor sinceritye, and the lesse hypocrisie.

Sixth, This subscriptione would hyde the marche stones at least, for papistes would heerby presume of ther returne to Rome, and this, without thers, is not sufficient against popery, nor Service Booke, etc., which papistes obtrude upon them.

Seventh, Papistes will saye they have *annuas et menstruas fides*, and other reformed churches will wonder at ther levitye.

Eighth, It would confirme ther error, who thinke they may both subscribe the Confessione of Faith, and receive the Service Booke and Booke of Canonns.

Ninth, To sweare that Confessione, would obleidge them upon ther oathe to mantaine Pearth Articles and episcopacye and civill places of kirke men, because oathes must be tackne acording to the sence of the giver; but the King, who ownes thes thinges, does enjoyne that subscriptione; *ergo*,

Tenth, Heerby, they should approve Service Booke, Canons, Pearth Articles abjurd, as weall as the other heades of poperye; for the King his proclamationes, the Privy Councell, and doctors declare that the Confession of Faith is not contrarye theruntoo.

Eleventh, The first Confessione is lycke a sworde sheathed; the second is lycke a drawne sworde; and this wer lycke the subscribing of the Old Testament, without the New, at the will of a Jewish magistratt; so it wer with them, to denye one pairte of ther Covenant, if they should subscribe the other mor generall without it. Eleaser would not seeme to eate swynes flesh, nor the martyrs of old delyver any papers, least it should seeme to be ther byble.

Twelfth, This wer to confesse guiltinesse, by accepting the King's pardone, whilst they are consciouse of no fault, God having made them guiltlesse, and by the fyre of his spiritt from Heaven, accepted ther Service.

N.B.

Thirteenth, This subscriptione tackes awaye ther vow to reforme ther lyves, and so looses the bondes to wickednesse.

Fourteenth, The subscribing that Confessione, compard with the acte of Councell, September twenty-second, as it specifies no enemyes to relligione but papistes, so it should obleidge them to repress mutwally one another.

Fifteenth, The Councillers subscriptione will wydne the breache; whilst some will thinke they are obliged to mantaine that which others thinke they have abjured. All this would encrease schisme and judgement by a consequence.

Sixteenth, The doctrine, discipline, and use of sacraments, are sworne, and the contrary abjured, according to God's Worde, and the church of Scotland, ther meaning without privat interpretation or mentall reservatione. A. D. 1638.

For which reasones, they protested they will adheare to the late Covenant, sealed from heaven, and protest, *First*, That the troubles be imputed to innovations, not to them. *Second*, That all questiones concerning the power of the Assembly, etc. be remitted to itself, and that they who are commissionat may come ther and meet, though impeded, or though the Assembly be prorogated. *Third*, That bishops have no vote ther, without comission; that they compeer and answer as *rei*; that the King's proclamation may stand for citation sufficient to them. *Fourth*, That they will stande to the Covenant generally, and particularly in all its contents, a Covenant approvne with rare and undeniable evidences from Heaven, and of the wonderfull workings of his Spirit in the hearts of pastors and people through all places of the kyngdome. *Fifth*, That no subscriber of the Covenant be oblidged for to urge any to subscribe the King's Covenant by the Councell's order, from whom they appeale to a free Assembly and Parliament. *Sixth*, That no subscription of the King's Covenant praejudge thers, nor the sence therof, or sounde meaning therof, as it was at first subscribed. *Seventh*, They protest to adheare to all ther former actings, all which are to be holdne for good and necessarye service to the King, etc.

N.B.

And upon this protestatione, James Earl of Montrosse, etc., in name of the noblemen; Master Alexander Gibson, younger of Durye, in name of the barrons; George Porterfeeld, marchant burgesse of Glasgow, in the name of the burrowes; Master Hary Rollocke, in name of the ministers; and Master Archbald Jonston, reader therof, in name of all who would adheare to the Covenant, tooke instruments in the handes of three notairs, at the crosse of Edinburgh, befor many wittnesses, and craved the extracte: And in tockne of ther dutifull respect to the King, confidence of the aeqwitye of ther cause, innocencye of ther carriadge, and hopes of his Majestye's gratiouse acceptaunce, they offered, in all humilitey, a cople therof to the herauld.

XCV. This is the short summe of that large protestatione which, as others of that straine, past not without censure; particularly the King attestes his proclamatione, that he warranted a free Assembly, which they deny. The King's
fear of it.

Second, That he had not mentioned praelimitations, but that themselves did that which they charged upon him.

Third, That it was ridiculouse to call the Service Booke popery, though

- A. D. 1638. they consterd it a greate cryme not to call it so, it being pennd by protestant martyres : That he could not condemne the Service Booke, except he should condemne the Service Booke of England lyckwayes : That it was hard that nothing could content them except he disgraced his own proclamationes, and called backe his oune wordes, which did not beare the sence that they did putt upon them : That it argued that they thought him not worth credite, whilst they say to the people they doe not consider with whom they are dealinge : That by qwarelling with his discharge of the practise of Pearth Articles, but not the Articles themselves, they contradicte ther owne tenents, for they would have him without consent of Parliament and Assembly to abrogate the actes of bothe, which they would tacke ill with in an other case : That it was sencelesse to call the naming of bishopps as comissioners a praelimitation of the Assembly, being that bishopps wer established both by actes of church and kyngdome : That ther reasones against praelimitationes wer needlesse since ther was no prelimitation ; that though ther wer any, yet ther reasones wer not concluding : And, for ther sixteen reasones against the new subscription, *First*, It was no matter if an unlauffull acte should bee drowned by ane acte of lauffull authority, which deserved thankes. That to the *second*, It's a whimsey, if obedience to authority should be denyed, because some thinke it mockes God. To the *third*, That, indeed, it was ther reall reassone, but the inference would be an eternall barre to peace ; for what overtures of peace could be profferre but some would rejecte, which all, therfor, behoved to disown as a divisive motion. To the *fourth*, It was popery, and agreable to the Councell of Trent ; they will renounce no error, leaste they be thought to have erred, but he knew not wher the strength of that reason laye. To the *fifth*, That it was fitt to be answered only by such as wanted reason, and it reached beyond the moon. To the *sixth*, He understood it not. To the *seventh*, That it supposd that papistes apprehended that new subscriptions of one Confession was to subscribe new Confessiones. To the *eighth*, That it had no shew of reassone. The *ninth* reassone was true, but ill putt in, for they confessed it to many, who, upon that account, did sweare ther Covenant, and the three ministers, in ther first ansuers to the doctors of Aberdeene, possitively affirmed that episcopacye was not abjured in that Confession, but referred to a tryall of Assembly and Parliament : that this reason controlld a former position of thers, for, in ther ansuer to the fourth reason, containd in the Comissioner's last declaratione, they declare that an oath may be sworne *secundum rem juratam*,
- N.B.
- N.B.

though contrary to the intention of him who gives the oathe, an aequivocation not outgone by anye. To the *tenth*, That it is sufficient that thes thinges complained on be referred to the tryall of Assembly and Parliament. The *eleventh*, of the marche stone will breacke any man's teeth to creacke it, therfor best it lye still with the sixth. The *twelfth* is a strange fancye, to think it is shame to give God the glorye, *videlicet*, to subscribe by authoritye; that it was blasphemouse to saye that the Covenant was attested with fyre from heaven, which was as much as to saye that it was indyted by the Spiritt; that this implied the Covenant to be of aeqwall authoritye with the Scriptures, for its approbation with fyre from heaven could macke it no lesse; that they would doe weall, befor they gett credit, to macke it apparent when and wher God, from heaven, by the fyre of his Spiritt, did seale the Covenant. Ther *thirteenth* reasone was a madde reasone to condemne the Confession of Faith, subscribed 1580, upon which they grownded ther owne Covenant, because it wanted the vow for reformatione of lyfe annexed, to which men are tyed by the morall precepts of law and gospell, and the doctrine of repentance contained in bothe. For the *fourteenth*, *fifteenth*, *sixteenth* reasones, they wer unintelligible.

A. D. 1638.

Next, for ther protestationes, they could be no stronger then the *prae-missae*; the *first* wherof was *protestatio contra factum*. The *second* voide, upon the same ground, they being praelimiters, not free. The *third* is grounded on a false suppositione, *videlicet*, that archbishops and bishops had not then a settled office in the church; that its ending, *videlicet*, that no bishop should appeare but as *reus*, would conclude as much against themselves, for all who came to the Assembly wer lyable to accusations as weall as the bishops, if any should accuse them; that it was irrational to protest that his proclamation should be a citation to macke the bishops appeare as *rei*, for whye not, then, should it not macke themselves appear as *rei* too. That ther *fourth* protestation was impudent; for a factiouse schismatick combination could not come from heaven, but from hell. That ther *fifth* protestation was treasonable, *videlicet*, to appeale from the Councell; as was cleare by the jewry who founde the ministers who would have holdne the Assembly at Aberdene, anno 1605, guilty, upon the same account; the acte of Parliament is the eight Parliament of James Sixth, at Edinburgh, May twenty-second, 1584.* Ther *sixth* protestation was nothing

* See Large Declaration for it, p.181.

- A. D. 1638. but repetition of what had been oftne said befor. Ther *seventh* protestation impudent, to say the King would approve thes courses, which, in ther heartes, they knew he distasted. *Finally*, That he was ill requyted for to be traduced befor the people for his gratiouse declaratione, and next for to be encountered with an impudent, insolent, seditiouse, and sencelesse protestatione. And, *lastly*, to have it vented in the pulpittes that the Kinge's requyring subscriptione to ther owne Confessione was a device of the devill and hatched in hell, a deepe of Sathan's policie; one minister having, in his sermon, prayed God to scatter them in Israel, and to devyde them in Jacob; and another, preaching that this subscription was lycke an Italian, who first made one renounce God, and perjure himself, and then killd him, both bodye and soule; that to subscrybe by authoritye was to subscrybe by constraint, and so not acceptable service to God.
- N. B.

The King's
concessions
accepted of,

XCVI. Notwithstanding of this protestatione, yet severall of the nobilitye and of the gentrye did therwith rest satisfed with the King's declaratione; and all the reasones of the protestatione against the new subscriptione did but begett a further jealousye in many who, by this tyme, did beginne to smell out that the Covenanters signes wer of aue higher pitche then they had givne it out in ther former petitions and supplicationes. And many of the ministrie, who wer not accessory to ther most secrett projectes, wer lyckwayes at first satisfed with the King his declaratione, and, if they durst, would have continowd so afterwards. And the ministers assembled at Edinburgh that morning, at the Grayefreer Church, by the name of the fourth Table, or minister's Table, ordinarily resident at Edinburgh at that tyme for promovall of the Covenant, being sent unto by the other Tables, and desyred by them to send some of ther number up to the great comittye of all the Tables, to joyne with them in a protestatione, which was to be made that afternoone against the Kinge's declaratione; the ministers returned ansuer, by all ther voices (not above two or three dissenting, as it is affirmed), that they would not agree to any protestatione to be made against the King's declaratione, except they considdered it, and first readde that intended protestatione, since they saw no necessitye for it. This ansuer troubled the rest of the Tables; therfor a second message is sent downe to the ministers Table, and they desyred to come upp to the great church, that they might benefit the rest. Thither they came, and stay'd till about one a clocke in the afternoone, but heard no worde from the other tables, who all the whyle wer drawing upp the protestation, assisted by some ministers unsent by the

ministers Table. The ministers, beng tyred out with a long stay, dissolve in ende, and resolve not to meet till the next weeke. Some went to ther owne homes, and, at parting, wer so ill satisfeed with the rest, that they deputed none to joyne with the comittee from the other Tables, for to helpe them in the drawing upp of the protestatione. All this some of the ministers present averred as truth to severall lords of the councell; yet, that same afternoone, Mr. Hary Rollocke did publickly, in name of the ministers, proteste, albeit he wanted a delegatione from ther Table.

A. D. 1638.

XCVII. Wherever the King's proclamatione did come befor the protestation, it was generally accepted of till advertishment from the Tables, and the protestation forbade the entertainment. And herin did the townsmen and colledge of Glasgow notably oversee themselves, for they gave the proclamatione such welcome, that they did not faile to direct two letters of thanks unto the Comissioner upon that accompt; one directed from the provost and bailies, and subscriybed by James Steward, provost; Johne Anderson, bailie; Coline Campbell, bailie; Ninian Anderson, bailie; Gabriel Cuninghame; William Steward; Patricke Bell; Matthew Hamiltoun; Coline Campbell; Johne Barnes; Richard Allane; Walter Strivling; Gavin Nisbitt; Johne Andersone; Robert Horner. A second, from the members of the colledge, to the same pourpose, and subscribed by the ministers and masters, Mr. Robert Wilkye; Mr. J. Maxwell; Mr. J. Bell, younger; Mr. Gavin Forsyth; Mr. Blaire; Dr. Johne Strang, principall of the colledge; Johne []; William Wilkye; Patrick Maxwell.⁽¹⁾ But not only did thes rest satisfeed, but, as is constantly averred, ther protestation being sent to be readde in many places of the kyngdome, it was rejected as a thing irrational, evne by some of thes who had subscriybed the Covenant. The tyme appoynted for the Assembly was drawing on apace, and Comissioners beganne to be chossne evry wher. To the ende that suche might come ther only who should stand firme in all the endes of the Covenant, it was resolved that two sortes of ministers should be passed by; of the first sort, wer moderate ministers, who, though they had subscriybed the Covenant, yet had discovered ther inclinationes to rest satisfeed with the Kinge his last declaratione. The second sort, wer ministers Non-Covenanters, for whom order was tackne, that ther election should be protested against, if they wer elected by pluralitie of votes, and that they should be

till advertise-
ment from
the Tables
makes them
to be reject-
ed.

(1) [See the King's Large Declaration, pp. 186—188.]

A. D. 1638. processed (which could hardly be shunned by any meanes), so they would be sure that all such should be laid by, and have no vote in the Assemblye. Next, for such ministers as they wer sure did enclyne to the Covenant, order was tackne that (in caise they gett not a full vote of the ministers in ther respective presbytries) the rulinge elders should have vote in ther nomination then and ever after; for which pourpose, they send ther *aviso* to the severall presbytries to send in ruling elders from evry church-sessione, who should aeqwall the voices of the ministers in evry presbytrye.

Non-Covenanter ministers made incapable of being commissioners at the Assembly, by the ruling elders intruding, and opposing them.

XCVIII. This devyce was thought (not only by the King, but) by many others, disadvantageouse to the ministers, in four respectes: For *first*, That no minister should be Comissioner to the Assembly, but such as the ruling elders pleased; for they, being aeqwall in number with the ministry, and sex ministers being to be putt upon the liste, out of which three wer to be chosne, it is the practise that all the six ministers must be removed at the electione, and have no voices themselves, so that, undoubtedly, the ruling elders behoved for to overrule the election of the three ministers to be chosene; or, if in any presbytrye the six ministers gave ther voices befor ther removall, yet, no man beng able to give voice to himself, of necessitye the number of lay voices (if they wer unanimouse) must exceed the number of the ministers ther voices by one, although the ministers should contradicte them. *Second*, Heerby ruling elders in presbytries wer made capable of a casting voice upon the ministers, or by aeqwall voice, to macke a shisme, and stopp all that they pleased. Nor can the ansuer that is givne to this inconvenience satisfec, *videlicet*, That ministers are still moderators, except you graunt a negative to a moderator. *Third*, That whatever the Generall Assemblby concluded, the Parliament should lyckwayes conclude that same (except the King's negative hindered, which ever after the Assembly at Glasgow was denyed to him); for ther instructiones ordered noblemen to be chosne ruling elders wher they wer, and all such have vote in Parliament. *Next*, That, for want of noblemen, the cheife gentlemen should be chossne Commissioners to the Assemblye, who probably lyckwayes (or some of them) would be chossne Comissioners to the Parliament. For the barrons, the lycke may be saide, and was seen of the burrowes ther Comissioners, and they wer sure what such had voted in ane Assembly, they would vote over againe in a Parliament. This made the Tables so contest to have the Assembly meete befor the Parliament should sitt downe, that so the actes of Parliament might depende on the Generall Assemblye,

the members of the Generall Assembly depend on the Tables, or be the very members of the Tables; but neither Parliament nor Assembye any mor to depende on the Kinge, but in effect upon themselves, as it appeared in the followng yeares, after they tooke the pouer in ther handes. *Lastly*, By this meanes, the laickes exeemed themselves from the power, and from all feare of the clergie; and this was the temper that the noblemen did fynde out for to crubb the untowardlinesse of the former presbyterian power, which the ministrye had exercised in the minoritye of King James.

A. D. 1638.

XCIX. Thes conclusiones (as has been already told), though they wer prosecuted with great violence by the laitye, yet they did meete with resistance amongst the ministrye in severall presbytryes, and in some presbytryes by all the ministers. For either they refused to lett them sitt with them, or desyred a tyme to deliberate how they could admitte such ane innovatione, seing that the Covenant did oppose the lycke; because, besyde the reasones which I mentioned formerly, it was alledged that albeit at the beginning of the reformatione, ther was a necessitye for ruling elders, yet it was never ordained that they should be aeqwall in voices or number with ministers: And, *next*, they deneyd that ever it had been practised, that laye men should nominate churchmen, who wer to be Comissioners: They desyre them, therfor, to name ther lay Comissioner, and for to lett the ministers name the church man Comissioner, being that ministers knew best who were ablest amongst themselves for such ane imployment. Yet this contest was ineffectwall upon the ministers' pairtes, for the ruling elders will sitt and voice in the election, who, if they can, shall be only such ministers as the Tables had pitched upon; of whom thus chosne, some had eight ministers' voices, and the suffrages of twenty-two ruling elders; however, the pluralitye of the ruling elders' voices mostly carryd it evry wher. This was complained upon by some ministers to Mr. Andrew Ramsey and Mr. Harye Rollocke, ministers at Edinburgh, pryme men of the Covenant; but they wer ansuered that it behoved to be swallowed for the tyme, otherwayes the nobilitye and burrows threatned to disert them, which would be a divisione contrary to ther oathe. The next cure that the ministers thought on for this evill, was for to enter protestationes against thes clero-lai-call linsey-wolsey suffrages and electiones; but the nobilitye had gott ther foote into the stirrup; ther was no remedy for thes laicke bishoppes but patience; it was behynde tyme now to reteere; so all thes motiones wer

Covenanter
Ministers
jealous of
the Ruling
Elders.

A. D. 1638. stified in the cradle, and proceeded no further then grumblings, of which ther was abundance.

For prosecuting the last protestatione, the next course was tackne for hindering subscriptiones to the King's Covenant (so commonly called). The Comissioner puttis the Lords of the Session to it; but that morning Mr. Hary Rollocke must (though it was not his turne) stepp into the pulpitt with a disswasive. But his rhetoricke prevailed only with four Lords of the Sessione, who wer Covenanters; the rest, sixteen in number, subscribe at the Sessione House. But it stooode not heer, for, through all pairtes of the kyngdome, advertishment is sent for to hinder the subscriptiones. In many places they prevaile, in some not. For this pourpose, (in pairt) Lord Lowdon comes. He desyres to meet with the towne's counsell; the provost refuses to call them; but he founde them at the church sessione after-noonne with the ministers. Ther unexpectedly he acosstes them with a longe disswasive from subscribing the Kinge's Covenant, and reqwyres ther promise not to doe it; the provost ansuers that the Comissioner had reqwyred them to doe it, from whom they had gottne tyme for to advyse; that, therfor, they must first ansuer the Comissioner ere they engadge further.

Huntly and Drum doe presse the King's Covenant in the north.

C. In the north, where Huntlye had comissione, or the Lairde of Drumme, they ply ther work hard; but none did they putt to it mor then such as they knew would refoose. Lesse curiouse for others, to some churches they direct Comissioners, who, immediatly after sermon, reqwyre ministers and gentlemen whom they knew to be Covenanters, for to subscribe the King's Covenant; and, upon ther publicke refoosal, instruments wer tackne by Huntly and Drumm, ther delegatts. Yet, in some places, they gott so full obedience that some ministers first subscribed, and then, by ther example and exhortatione, moved ther congregationes to doe the lycke.

The Covenanters do complain thereof to the Comissioner; his unsatisfactory answer.

CI. Thes actings, wherever they wer, did so displease the pryve Covenanters, that they complaine upon them as violences done, and, with many aggravationes, shew how people wer forced to subscribe the Kinge's Covenant; this, by ther letter, dated Edinburgh, October third,* 1638, directed to the Comissioner, and subscribed by Cassills, Lauthian, Lindseye, Lowdone, Balmerino, Jonston, Burleighe. And ther wer reportes spreade that pistolls and daggers wer held to peoples breestes to macke them subscribe

* October 5. Forbesses and Frasers protest against Huntly's assisting the King his proclamation. [See Spalding's Hist. of Troub. vol. i. p. 74.]

A. D. 1638.

to this letter. The Comissioner directes an ansuer to Cassills, without tacking notice of the reste; wherein he shewed them that to obey his Majestie's commands, in reqwyring subscriptiones, was not violence; that if they did complaine upon any, they should name the offendour; but, withall, he reflectes upon the enforcement of ther Covenant with shedding of the blood of ministers, with beating them, and turning them out of ther pulpitts, out of ther livings, reveilings and excommunications of ministers; that many had subscribed with blynd and doubting myndes: If the lycke wer done by the Councell's delegatts, then lett them be tryed; but, withall, he requestes them not to call the King his actiones unjust nor irreligiouse, till they proved them suche; that for ther promise that none should be molested till the Assembly, it was ill kept, for evry hower he gotte new complaintes* of new processing ministers, withholding steepends, complaintes of Covenanter ministers for being threatned for ther dislycke declar'd against lay elders electione, non-Covenanters debarrd from voicing in presbytries, and reveiled for comming thither; finallye, that they had proclaimed ther protestatione wher the declaration was never reade, *etc.* This letter was not satisfactorye, but ther complaintes ended not heer; for now they, by ther letter, complane to the Comissioner (then at Hamiltoune) that one of the King's shippes had searched a Scottish merchant shipp for ammunitioun (although themselves had befor searched a shippe sent by the King with ammunition to Scottlande, and would have seized her). As also they doe expostulate the searche of ane English shipp carryinge some beer to Scottlande, and that they wer stopped from bringing in English horses, (albeit it was unlaful to be done without speciall licence from the Kinge's maister of horses): Thes thinges they thought wer done as differencing them from other subjectes; and to this complainte did subscribe Rother, Montrose, Home, Weemesse, Lindseye, Boyde, Lowdon, Balmerino, Dalhousie, Forrester, Elcho, Cranstoune, Balcarresse, Burleigh, Lauthiane. To which the Comissioner sent them a returne, shewing them that it was usuall for his Majestie's shippes so to doe by all, and his prerogative; but had he been as jealous or curiouse as they supposed, he might have hindired the importatione of abundance of ammunition by them; and, albeit he did enqwyre after the ammunition imported in such extraordinary qwantities, it wer no strange thinge; that ther assertiones of being made secure by the

* But his Grace had done a courtesye to posterity to have mentioned them; they offered the violence; he smotheres the injurye.

A. D. 1638. King's promises, agreed ill with the feares that they did putt the people into (for it is to be understoode that, about this tyme, the Covenanters gave it out that the Assembly would not be holdne, and made a great noyse for a whyle about it); that all was apparent by ther gwarding the Castell of Edinburgh; that the shipp was not stopped in her voyage, nor nothing tackne from her; finally, that he should be instrumentall for peace. This letter, of the date, Hamiltoun, September twenty-nine, 1638, was directed to the Earle of Rothesse.

Upon new
jealousies, the
Covenanters
double their
former guards
upon the
Castle of
Edinburgh.

CII. This ansuer gott no reply; but, meane whyle, the gwardes are doubled about Edinburgh Castell, that no ammunition be imported thither. In Fyfe the communion was celebrated, and ther evry one made sweare that they would not subscrib the King's Covenant; and ther owne Covenant must be sworne *de novo*, specially to adhere to the band, offensive and defensive, therin contained; and they order the fast to be befor the Assembly, Sunday, *Novembris* four, albeit the King commanded Wedingsday, November seven. Thes thinges made the Comissioner for to enqwyre at the provost and ballies of Edinburgh, who wer about the communion celebrating lykwayes, if they did intende to follow Fyfe as ther patterne in the forsaide two particulars; and next, what course they had tackne with thiose who, the day befor, had reveiled Dr. Eliott whilst he was preaching in the pulpitt; and that he had sent for them, because the ministers wer unruly, and neglected authoritye. They promise that they would punish such as wronged Dr. Eliot upon discovery, which they would stryve for; for Fyfe, they said they would not follow them in ther swearing; for the fast, they thought it rationall to keepe the day appoynted by the King, but behoved to speacke with ther ministers. But them they founde disposed to wrytte after the Fyfe coppye, but the magistrates prevailed with the ministers to desist in both. The Comissioner resolves solemnly to keepe the fast with the nobility and judges; but the two non-Covenanter ministers, Mr. David Mitchell and Mr. Alexander Thomsone, whoise turne it was to preache in that church, must needs give waye to Mr. Andrew Ramsey and Mr. Hary Rollocke, Covenanters: whereupon the Comissioner signifies to the magistratts, that either the ordinary ministers must preach to him, to whom the place of right belonged, otherwayes he will designe his owne preachers, or not come to the great church. Mr. Andrew Ramsey was contented for to yeeld, but Mr. Hary Rollocke wold not give place in any termes: the conclusion was, that the Comissioner, with the Councell, went to the Abbey church, and there kept the fast.

Nov. 7.

CIII. It is reported, that about this tyme severall ministers preached that who ever subscribed the King's Covenant wer perjurd and villains; and when ther hearers did expostulate with them for such expressions, they presently citted them befor the respective presbytries. But this was not all; for wherever non-subscribent ministers wer (which they wer most in number), they presently processe them, and cytt them befor the severall presbytries: and howbeit such did mostly appeale to the enswing Generall Assembly, yet they must be presently suspended, and citted to ansuer ther. These thinges wer oftne complained of to the Comissioner, and reqwyred by him to be lettne alone till the Assembly; but no hearing gott hee. And in Edinburgh they fell so hottly upon Mr. David Mitchell, that though the Commissioner worot to them for to desiste from proceeding against him till the Assembly to which he had appealed, yet did the presbytrye of Edinburgh neglect the Comissioner, so farr as not to wotchafe him ane ansuer to his letter. The next presbytrye daye he wryttes againe; but with the lycke successe. In his second letter he desyred that they would send one of ther number to speacke with him, being hard by in the pallace of Halyroodhouse; but non came. The Comissioner upon this sendes a summons or warrant to the presbytrye, charging them to desiste till the Assembly; but that was sleighted, and his processe made poyntes of Arminianisme, preached four yeares befor, provne by depositiones of wittnesses, whoise memory to retaine, and capacityes to understand, wer thought aeqwally suspitiouse. But Mr. David Mitchell is suspended; and then the presbytrye send three of ther number to acqwaynte the Comissioner with the aequitye of ther proceeding; who answered, that since they would not shew ther reasones befor ther suspending Mr. David Mitchell, as he reqwyred, he would not heare them when they desyred, after ther sentence, to be hearde.

A. D. 1638.
They protest
against the
King's Cove-
nant.

CIV. The Non-Covenanter ministers generally wer laid by, under the notione of such as either wer Arminians, or savoured of popery, or flagitiouse in ther lyves, and citted to the Assembly. But ther remained one nutt to be creacked; it must be done, otherways *nihil actum est*, all was vaine. The questione was only concerning the formalitie of the procedure, how it might sustaine in lawe. This was the processe against all and evry one of the bishopps of Scotland, and citation to the enswing Assemblye. It was first desyred that the Comissioner, in the King's name, might graunte processe against them, and therby they to citte them to appeare as *rei*, or guiltye persones. The Commissioner answered, that it was not (as he

Process is
sought against
the Bishops,
to cite them
before the As-
sembly at the
Commission-
er's instance,
who refuses it
as illegal.

A. D. 1638. thought) fitte to cytte them as guiltye, of whoise guiltinesse he had no presumption; and that he would not by his actinge voide the prelates' places and voices in the Assemblye, according to thir growndes which wer (though false), that partyes citted could have no suffrage ther: But if ther wer any law or practise in Scotland for such a processe, he would doe it, being resolved to concurre with them in any course of justice; but he hoped that they would not macke him, nor the King his maister, doe any acte praejudiciall to the bishopps befor they wer hearde: That he would advyse with the judges and the King's advocate, whether any such processe was awardable, or had uswally been awarded by King James the Sixth his Commissioners to the Generall Assemblyes; and according to ther advyce, he should doe that which was agreable to justice. This ansuer not pleasing them, they doe propose a new overture to the Commissioner, which was that he wold requyre the Judges (or Lords of the Sessione) to graunt processe against the bishopps.* The Commissioner proposed ther desyre to the Judges; but ther ansuer was, that they could graunt no processe for the compeeraunce of any persone before them, but thoise who wer impleaded, or whoise cause wer tryable befor them. This ansuer they knew would be givne. The truth of the bussinesse was, that the Covenanters knew very weell that the ordinary waye of processe or citatione befor the Generall Assembly was to passe under the hande of the moderator and clerke of the Generall Assembly, at least of the clerke. Now, the moderator of the last Assembly had been John Spotswood, archbishop of Saint Andrews, and the clerk was Mr. James Sandilands, advocate, and Comissarye of Aberdeen: thes two wer then living, and neither of them discharged.

The Presbytery of Edinburgh command to summond the Bishops.

CV. Therfor they fall upon a new devyce of their owne, which had neither law nor practice for to warrant it.† They cause to be drawne upp a terrible lybell against the bishopps, lycke a booke, with a petition annexed, to the Presbytrye of Edinburgh, wherin they desyred the lybell to be admitted by them; and it was givne in, in name of noblemen, barrons, bur-

* *Nota.* The King being advertished of this ther project, worot to Mr. James Gordon, then keeper of the signett, commanding him expressly not to signe any such summondses against the bishops; which Mr. James Gordon did obey accordinglye. But the next spring, when being putt to it to signe letters of horning against the bishops, as being excommunicate, the King worot to him anew, and caused him fetch the signet to Berwicke; which he did, as the King's letters yet extant doe testyfie.

† Ne defectu legitimæ citationis synodi judicium censuram & subterfugerent episcopi, ad insolitum citandi modum recurrere coguntur foederati.—*Historia Motuum*, pag. 79.

gesses, ministers, Covenanters. The noblemen complainers wer, Johne A. D. 1638.
 Gordon, Earle of Sutherland; Johne, Earle of Athole; William, Earle of Dal-
 housye; Mungo, Viscount of Stormont; Hugh, Lord Montgomerye; David,
 Lord Elcho; George, Lord Forrester; Arthur, Lord Forbesse; Johne,
 maister of Berridale; Robert, Lord Boyde; David, Lord Balcarrasse;
 Johne, Lord Melvill. Barons and gentlemen compleaners wer, Crag-
 millar; Leightoune; Buchanan; Young; Durye; Balgounye; Balbirneye;
 Mr. William Hamiltoun; Thomas Craige of Riccardtoun; John Cowper
 of Gogar; John Hamilton of Boghall; David English of Inglishtoun;
 John Dundasse of New Listoun; Sir William Cokburne of Langtoun;
 Patrick Cokburne of Clerkingtoun; John Lessly of Newtoun; Generall
 Lessly, (ther designed Collonel Alexander Lesslye); David Barclay of
 Onwerme; Sir Michael Arnot of Arnot; Sir Michael Balfour of Deane
 Mill; John Aiton of Aitton; David Beaton of Balfoure; John Lundy of
 Lundye; Walter Murrey of Levistoun; Sir John Preston of Airdrye;
 Walter Cornwall of Bonhard; William Scott of Ardrosse; Robert For-
 besse of Riess; Sir Andrew Murrey of Balverde;* George Dundasse
 of Duddistoun; Sir William Murrey of Blebo; Mr. Robert Preston;
 William Diksone. For the ministers were, Mr. William Scott, minis-
 ter at Cowper; Mr. George Hamiltoun, at Nuburne; Mr. Walter Grege
 at Balmerino; Mr. John Magkill, parson of Fliske; Mr. Andrew Blackat,
 at Aberladye. Burgesses: George Bruce of Carnocke; George Por-
 terfeeld, burgesse of Glasgow; John Smyth; John Mill; Laurence
 Henrysone; Richard Maxwell, burgesses of Edinburgh. The short summe
 of that long bill † was, that wheras the compleenars had interest to
 persue this popular actione, to God's glory, *etc.*; and wheras the bishops
 of Scotland (heer all ther names are insert) are censurable by the Generall
 Assembly, for exercising unlimited power, and for transgressing the
 cautiones wherwith ministers, voters in parliament, wer bounde by the
 Assembly at Montrosse, *anno* 1600: Yet all the bishopps had tackne upon
 them to vote in Parliament, without swearing or subscriybing thes cautions
 as that Assembly ordaines, and had lyckways fullfilled none of thes cau-
 tionnes, which wer, *viz.* *First*, Not to propose anything in Parliament with-

* Note. Sir Andrew Murrey of Balverd told myself that he never concurrd with the
 lybell, and that some others ther namd knew not of it.—[See Gordon's Hist. of Gordons,
 vol. ii. p. 233.]

† See Large Declaration, pag. 209, *et seqq.*

A. D. 1638. out expresse warrant from the church. *Second*, Nor consent to any thing in Parliament praejudicial to the church. *Third*, To content themselves with a portion of the benefice to be assigned to them. *Fourth*, Not to dilapidate this benefice at his owne pleasure. *Fifth*, To attende a particular congregation. *Sixth*, Not to claime power over the rest of his brethren, in the administration of discipline. *Seventh*, Be subject to censure of his brethren in Presbyteries and Synods and Assemblies. *Eighth*,* Not be Comissioners in Generall Assemblies without warrant from the Presbyteries they lived in. *Ninth*, Not moderate in Assemblies, except they wer chossne. *Tenth*, And to shunne *crimen ambitus*. *Eleventh*, And not solemnise marriadge without asking of banes. *Twelfth*, Not keep yearly fastes. *Thirteenth*, Have admitted preaching deacons contrair to the Scottish discipline. *Fourteenth*, Have admitted ministers, yet to no particular flocke. *Fifteenth*, Have taught erroneouse doctrine, Arminianisme, *etc.*, and cherish such as doe mantaine Arminianisme and Poperye, and have taught both. *Sixteenth*, Have tackne unwarrantable oathes from intrants. *Seventeenth*, Have tackne upon them civill places in judicatories, and places in criminall judicatories. *Eighteenth*, Ar tyed to no particular flocke nor congregacione. *Nineteenth*, Have tackne upon themselves the name and office of a bishopp. *Twentieth*, Have sett upp ane High Comission Court, urged a Service Booke, and Booke of Canons, *etc.* *Twenty-first*, Have abused the King's authoritye, and intentions, and declarationes, and have moved discontentes betuixt king and subjectes, betuixt subject and subjecte. And all the actes of Assemblies, that they had brockne, are instanced in the particulars at the closure of evry article of the lybell. And, *lastly*, They accuse them "respectively," *id est*, either one or mor of them, guiltye of all or some of the followng crymes, viz.:—drinking, whoring, playing at cardes and dyce, swearing, profane speaking, excessive gameing, profaning of the Sabbath, contempt of publicke ordinances and privatt family worshipp; mocking of the power of preaching, prayer, and spiritwall conference and syncere professers; brybery, simonye, selling of comissaries places; lyes, perjuryes, dishonest dealing in ther civill bargaines; abusing ther vassalls; adulteryes, incestes;† with many other, the particulars to be givne in ther particular accusationes, *etc.* Therfor they supplicate the

* The eighth article and the followng, are all lybelld as breaches of actes of Assemblies, and not as cautions.

† Heu cadat in quenquam tantum scelus!

Presbytrye either to censure thes guiltie bishoppes after tryall, or other-
wayes to referre them to the Assembly of Glasgow, November twenty-first,
and that they will ordaine all the ministers in the Presbytrye upon a
Sunday befor noone, to publish the lybell, and to cittle the bishoppes to
compeare at the Assembly, and to bring with them the booke of the
subscriptiones of intrants, the booke of the Court of Highe Comissione,
and the registers of the Generall Assemblyes, *etc.*; with certification if
they obey not, they shall be condignely censured. This bill was presented
to the Presbytrye of Edinburgh, upon the twenty-fourth daye of October,
1638, by the Laird of Buchanan; Laird Durye, younger; Laird of Car-
stewyre; John Smyth, late bailie of Edinburgh; Johne Hamiltoune and Ri-
chard Maxwell, in name of the noblemen, barrons, *etc.*; who, with little ad-
vysement, answered it with a *fiat ut petitur*.⁽¹⁾ Wherupon, the compleaners
tooke instruments in the handes of a notarye; and then evry minister, after
the reading therof, was to warne the bishoppes to compear befor the next
Generall Assembly, for causes and with certificatione contained in the
lybell.

A. D. 1638.

October 24.

CVI. As the Presbytrye of Edinburgh pyped, so the rest of the Presby-
tries daunced, wher the Covenanters had power; for ther wer some who to
the severall Presbytries presented the forsaid lybell, through most Presby-
tries of Scotland; who all past ther reference, and the lybell was reade
acordingly in many parish churches,* albeit some refoosed to reade it, as
they of Glasgow did, and Aberdeen: but then ministers wer brought from
other places, and put in ther pulpitts;† as Mr. William Falconer did at Elgyne‡
on Dr. John Gordon's bill, who stoode opposite to the Covenant, and was
about this tyme (with some other ministers) deposed by the Synod of Mur-
rey.§ The coppye lyckwayes of this lybell they caused poast upp and affixe
to the doors of the severall cathedrall churches of the respective bishoppes,
ther dicesses. Such as stayd in Scotland of the bishoppes, they caused de-

and they are
cited public-
ly from the
pulpits.

(1) [See the King's Large Declaration, pp. 219, 220.]

* *Dubitatur*.

† Though not at Aberdeen.

‡ N.B. It is uncertaine if ever this wer reade from the pulpitt of Elgyne: houbeit it is
sure that all the ministers of the province of Murrey refoosed for to intimate the bishop of
Murrey, his excommunication, till it was putt upon an ignorant old man, called Mr. Wil-
liam Forbes, [Sanders? See Shaw's Hist. of Murray, p. 325] minister at Bellye.

§ *Historia Motuum* [p. 80] affirms that ther was a bill of complainte givne in to evry
presbytrye wher the bishoppes resided, and by them referred to the respective provincials,
who referred the bill to the Generall Assembly; but this is untrue.

A. D. 1638. lyver the coppyes, and give them personall cittationes; and it is to be remembered that thes lybells wer dispersed and sent abroade evry wher, with blanckes, to be filled upp with such crymes as could be tryed out that the bishopps wer guiltye of, or any one of them: To which pourpose the Tables had ordered ther trustees evry wher for to informe themselves of all that they could heare of, which any waye might dissgrace the bishopps; and warrant was givne for to insert all into the lybell that ever could be informed against them.

The King's
censure of
the lybell
against the
Bishops.

CVII. The exceptiones tackne against this uncouth forme of proceeding, both for its formalitye and materialls, wer: ⁽¹⁾ *First*, That the presbytrye of Edinburgh (or any other presbytrye) should give warrant for to citte any who wer none of ther flocke, nor reseeded withine ther boundes, for all the bishopps dwelt not in one presbytrye, and much mor thes who wer not lyable to ther court; for a referr does presume a pairty lyable *in prima instantia*, at least to the court which referres him to another. *Second*, That the bishopps wer citted for to ansuer for the breach of lawes which wer repealed by lawes posterior to that, lawes standing in vigour, and knowne to be thus, by thois who gave warrant to citte them, at the very tyme that the warrant was givne. *Third*, That by this lybell the bishopps wer called in question for yeelding obedience to standing actes of Assembly and Parliament, viz. the articles of Pearthe. *Fourth*, That by this lybell the bishopps wer charged to ansuer for yeelding obedience to the King and Councell, ther actes, in things not repugnant to standing lawes, such as the Service Booke; that the bishopps ther obedience in practising the Service Booke was as warrantable as the Covenanters causing subscribe ther Confession of Faithe; for all they could alledge for them was the commandement of King James the Sixth and the Councell, but no act of Parliament. *Fifth*, That they should publickly in ther pulpittes indyte the bishopps of so many horrible crymes as the lybell contained: That in ther oune consciences they knew them not to be guiltye of them all; that to say that some of the particular crymes verifyd, would macke the lybell legall was unconcionable dealling; that if they proved them not, then ther accusers wer infamouse men; if some wer guiltye, that they ought to have specifyde the guiltye persone, and the cryme: That they knew some of them to be godly, and free of all thes crymes objected; that afterward, in the Assembly of Glasgow, they wer not

N.B.

(1) [See the King's Large Declaration, pp. 220—226.]

provne, nor putt into ther sentences of depositione; that, if they could, they would have proved them; that the pretext of scandall of such crymes was not a ground for a processe; that themselves, by pulpitt citations, hightned the scandall; that they had not left off to prove what they could against the bishops out of any respect to ther persons, whom they hated, nor ther callinge, which they termed Antichristiane. *Sixth*, That never any befor had been citted out of pulpitts publickly, but either personally, or at ther dwellings; or, if the party be from home, by citting him publickly in the church, and giving him a copy of the lybell at his returne; and, upon none-compeeraunce, holding it *pro confesso*; that none of the ministers suspended by them had been thus served by publicke lybells from pulpitts. *Seventh*, That some bishopps wer personally citted, so ther pulpit citation was needlesse. *Eighth*, To doe it at Edinburgh on Sunday, the commissioner and magistratts both forbidding it. *Ninth*, To publish it in all ther churches upon a communion daye, and some of them* to intermitt the ordinary thanksgiving and prayers after the communion, and beginne the afternoon sermon without prayers befor it, to gaine tyme to reade the lybell, as if it had been of greater consequence then the service of God; then to reade it afternoone, contrare to the presbytries acte, and by a hotte-headed fyrye advocate, whereas the minister or reader wer appointed to reade it: that thes things putt together wer actes of injustice and impietye. *Lastly*, That the preface of the lybell discovered how, lycke souldiours to be trained, the Covenanters devyded themselves for the exercising of ther armes, being all sworne into one grosse bodye; for some of them are to be Comissioners at the Assembly at Glasgow, and ther play the judges; and since all could not be so, they must be accusers, and others questionlesse to be wittnesses: wherby the pairty was sure to be oppressed, they being in effect all one, sworne into one partye and confaederacye.

CVIII. About thes tymes, lyckwayes arose the Shee Prophetesse, a maid called Mitchelson, the daughter of a minister (whom some alledged to have been subject to fitts of distractione). Her father left her ane orphane in her younger yeares. She was acqwaynted with the Scriptur, and much tackne with the Covenant; and in her fitts spoke muche to its advauntage, and much ill to its opposers, that would, or at lest that she wishd to befall them. Great numbers of all rankes of people wer her dayly hearers;

A. D. 1638.

Mrs. Mitchelson, her history.

* Mr. H. R.—[Mr. Henry Rollock. See the King's Large Declaration, p. 225.]

A.D. 1638. — and many of the devouter sexe, the women, prayed, and wept with joy and wonder, to heare her speacke. When her fitts came upon her, she was ordinarily throwne upon a downe bedd, and, ther prostrate, with her face downwards, spoke such wordes as wer for a whyle carefully tackne from her mouth, by such as wer skillfull in brachygraphy. She had intermissions of her discourses for days or weekes, and befor she beganne to speacke it was made knowne through Edinburgh. Mr. Hary Rollocke, who oftne came to see her, said that he thought it was not good manners to speacke whilst his Maister was speacking, and that he acknowledged her Maister his voice in her. Some misconsterd her to be subborned by the Covenanters, and at least that she had nothing that savoured of a rapture, but only of memorye, and that still she knew what she spoke, and, being interrupted in her discourse, answered pertinently to the pourpose. Her language signifyd little: She spoke of Chryst, and called him Covenanting Jesus; that the Covenant was approved from Heaven; that the King's Covenant was Sathan's invention; that the Covenant should prosper, but the adherents to the King's Covenant should be confounded; and much other stuff of this nature, which savoured at best but of sencelesse simplicitie. The Earle of Airth, upon a tyme, getting a paper of her prophecies, which was inscrybed "That such a daye and such a yeare, Mrs. Mitchell awocke, and gloriously spoke;" in place of the worde "gloriously," which he blotted out, and wrytt over it the word "goukedlye," or foolishly, was so much distested for a whyle amongst the superstitious admirers of this maide, that he had lycke to have runne the fate of one of the bishopps, by a charge with stones upon the streete. But this blazing starr quickly vanished, and her prophecies wer never printed; nor was she any mor tackne notice of, after a little whiles reiteration of holy tautologicall nonsense, and impertinent repetitions of Scripture sentences, mixed with some new phrases that wer not Scripture language.

Jealousies
concerning
the meeting
of the As-
sembly.

CIX. The author of the Relatione of the Troubles of Scotland* affirms that the bishopps did what they could to impede the convention of the Assembly of Glasgow. His reasones are, because they give in a declinator against the informalitye of ther cittance to the Assemblye; next, because they urged the Commissioner for to cause such as came to the Assembly of Glasgow come without armes, at least no more then swordes; which, by

* *Vide Historia Motuum, pag. 80, 81.*

reasone of robbers, he says they durst no waye doe; so that either the Commissioners must stave away from the Assemblye of Glasgow, and then the bishopps were sure none would come to accuse them, or else the Covenanters, if they came armed, must incurre the hazard of the breech of penall statutes, for carrynge forbyddne armes. The truth of this I leave upon the trust of the wrytter, and to the judgement of the reader, who knowes what little accompt was made, either of penall statutes, or armes carryng, or conventiones, by the Covenanters, or how little obedience the King or his Commissioner gott from them. And for the declinator, and the Covenanters' ansuer therto, lett the reader judge. I interpose not, wrytting but a bare narratione of thinges as they past; yet I fynde it as confidently alledged, upon the other pairt, that the Covenanters wer sorry that they had accepted the indiction of the Assemblye from the King at that tyme. Ther protestationes declare that they were indifferent, and could indite it themselves if he refoosed; and ther after actings (till such tyme as Oliver Cromwell, *anno* 1652, forced them by strong hande) showed that they would not bee beholdne to the King for ane annwall Assemblye, and never stood to conveene whither his Comissioner wer present or not. Another presumption, that they wer resolute to indite it if the Commissioner should prorogue it, was the tenour of the commissions, directed from some Presbytryes, which gave ther Comissioners full power to appeare befor the Assembly, November twenty-first, whersoever it should happne to bee. Another praesumptione alledged against them was, that they would have gladly had the Commissioner discharge the Assembly, for that they might gaine credite with ther pairtye, to whom they had given it out that the King intended not to give them an Assemblye. But the presumptione was groundlesse; the Commissioner meand them no harme; and sundrye letters of thers, directed to some townesmen of Glasgow, seemed to implye ther doubte that they stood in, of coming ther to hold the Assemblye, as having a designe for Edinburgh.⁽¹⁾

CX. Immediatly befor the meeting of the Assembly, the Tables send out a second paper of publicke instructiones to Presbytryes, to this pourpose:

First, That all noblemen, subscrybers of the Covenante, (except thois of the weste) meete at Edinburgh, *Novembris* twelfth, and there stave till they goe to Glasgow, wher they shall all meet on *Saturdaye*, *Novembris* seventeenth, at the farrest.

A. D. 1638.

The Tables give out new instructions for the meeting at the Assembly.

(1) [See the King's Large Declaration, pp. 229, 230.]

A.D. 1638.

Second, That the full number of the Comissioners to the Assembly may have lyckwayes present, as weall as themselves, all the Commissioners of the severall shyres who are appoynted to waite at the Tables, together with four gentlemen out of the boundes of evrye Presbytrye, to be ther assessours out of the number of ther assessors at home, not excluding such as will come voluntarlye; all to be at November seventeenth, to attend the Assembly constantly, and give ther advyce in the common cause, both to Commissioners and ruling elders of the Assembly out of ther shyres.

Third, The burrowes to send two, four, or six (as ther qualitey or number may beare) of ther most juditouse men, to be at Glasgow November seventeenth, to give advyce to ther Commissioner in the common cause, and to attend the Assembly constantly.

Fourth, Fast to be kept November fourth, universally, or any other convenient day.

Fifth, Since ruling elders are received, that congregations see that no minister stay at home for want of charges.

Sixth, If any have been compelled to subscribe the King's Covenant, that ther declarationes be tackne in wrytting, or by act of Sessione, or befor one witnesse, that they wer forced, deceived, or mistackne; and all ministers publiclye to intimate the protestation against this declaratione, or wher ministers refoose it, that weell affected gentlemen do it.⁽¹⁾

The King his
censure of
these instruc-
tions.

CXI. The construction putt upon thes instructiones was that the Comissioners wer to meet at Edinburgh first, and next at Glasgow, which was a presumption that ther they wer to agree upon ther conclusiones to be made in the Assembly, befor the Assembly should convene; that the second and third articles wer never practised, that Comissioners should have asistants, who should overrule them by ther advyce, and that by ther multitude they intended to terrifie ther opposers, if any durst speacke; that the fourth article was a contempt of authoritye, to fast upon ane other day then the King had commanded; that the sixth was a looking upon or presenting of all that had subscrib'd the King's Covenant, as publicke offenders.

The Commis-
sioner makes a
proclamation
against the te-
nour of these

CXII. Thes instructiones, specially that which concerned the multitude ordered to be ther, moved the Commissioner for to cause macke publicke proclamatione, by advyce of the Councill, that no Comissioner should travell to the Assembly of Glasgow, or to continew ther, with mor attend-

(1) [See the King's Large Declaration, pp. 230, 231.]

ance then thes of ther owne family and ordinary retinew ; and that they should carrye no armes with them but such as wer allowed by the lawes of Scotland, under paines and penalties contained in thes laws. But how soone this proclamatione was made at the merkett crosse of Edinburgh, it was answered with a protestation wherin they alledged the dainger of the waye for robberyes. So on they goe to Glasgow, in warlycke armes, who wer presently to sitt in a church judicatorie. Nor would the ministers be behynd that waye ; some of them are reported to have travelled thither with swordes and pistolls, as in the followng yeares they usually frequented ther armyes of the Covenanters.

CXIII. The Commissioner beganne to journey to Glasgow lyckwayes, but in a qwyett manner, all his traine being forbiddne to carry any such armes but such as wer warrantable ; and arryved ther the seventeenth day of November. Ther mett him at Glasgow all the King his Councell by the Kinges directione, according to a letter which the King had wryttne to them requesting them to asist the Commissioner with ther best councell ; although the Lord Balmerino, in a letter⁽¹⁾ of his wryttne not long befor, could not see any great necessitie for ther being, and conceived that the Comissioners of the Assembly wer to have the best lodgings and be served befor the King his Councell. The King's letter was much to this pourpose : That he thankd them for ther care and subscriptione of his Covenant : That it was his desyr that they attende his Commissioner to the rysing of the Assemblye, ther to be asisting with ther advyce for to bring thinges to a faire closure : That if any propositione wer made in the Assemblye prejudiciall to monarchicall government, or pouer or government established in Scotland, that they should not faile to tacke heede thertoo and to asiste his Comissioner to withstand it to the uttermost of all ther pouers : And then desyres them to give absolute trust to Marquesse Hamiltoune his Comissioner, in any thing that he should imparte to them in publicke or private, dated at Hampton Courte, October first, 1638.⁽²⁾

And now by the daye appoynted, the Comissioners and ther assessors wer com to Glasgow from all pairtes of the kyngdome ; only the bishoppes and archbishoppes wer all absent, many of them, as also of other ministers, being necesstate, befor this tyme, to leave the kyngdom. Ther wer lyckwayes many great challendges vented by common talke against the divynes

A. D. 1638.
instructions,
but it is protested against,
and the Covenanters go in great troups and armed to Glasgow.

The King's Commissioner comes also to Glasgow, where, by warrant of the King's Letter, the Lords of the Privy Councell likewise resort, for assisting the Commissioner who was to preside at the Assembly of Glasgow.

Novembris 17.

(1) [See the King's Large Declaration, pp. 229, 230.]

(2) [*Ibid.* p. 233.]

A. D. 1638. of Aberdeene, and safe conducte promised to them if they would come and dispute ther ; and it was givne out that it was the earnest desyre of the ministrie to have them present at the Assembly.⁽¹⁾ But they and many others ministers who had been suspended, 'resolved not to appeare befor such a judicatorye, wher it was palpably seene that the declared pairtye wer to be ther judges.

⁽¹⁾ [See Baillie's Letters, vol. i. p. 95.]

HISTORY
OF
SCOTS AFFAIRS.

THE THIRD BOOKE.

HISTORY OF SCOTS AFFAIRS.

THE THIRD BOOKE.

I. THE King's Comissioner, and Privye Councill, and all the members of A. D. 1638. the Assembly, with ther assistants, and manye other people of all sortes, befor the twenty-first of November, had much filled and crouded the cittyte and lodgings of Glasgow. Upon the day designed by the King's proclamatione, the Assembly beganne to be opned. The Marquesse of Hamiltoun, Comissionair for the King, ordered the eldest towne's minister of Glasgow, Mr. Johne Bell, for to preach befor the Assembly, and praeside to the beginning therof, till a moderator should be chossne; for Mr. Johne Spottiswood, Archbishop of Saint Andrewes and Primate of Scotland, was at this tyme in England, knowing that, albeit he had moderated in the last Generall Assembly that had been holdne at Pearth, *anno* 1618, yet hee would not be welcome, nor by any meanes admitted, to preside in nor opne this Assembly. Therfor, in his absence, the Comissioner, declaring that it was the King's praerogative in such ane exigence to designe both the preacher and moderator (till a new one should be chossne) did, upon that accompt, tacke it upon him to nominate Mr. Johne Bell, one of the ministers of Glasgow, an old man, to supply the place. He preached in the morning, and, in his sermone, spocke concerning the duties of all that wer to asiste in that meeting. And, in the afternoone, the first assembling was in one of the towne's churches, wher Mr. Johne Bell, who had preached in the fornoune, after prayers for God's asistaunce, publicly made, desyred all present for to beginne the actione with the choise of a moderator. The Comissionair (who sate upon a state, in a place raised eminent above the rest, with his assessors about him, conveniently seated below,) told them ther was some thinge to be done befor the choise of a moderator, viz. :—that his comis-

Assembly
opened; com-
mission from
the King to
the Marquis
of Hamilton.

Sessio 1.
November 21.
Wedingsday.

A. D. 1638.

 sione was first to be readde, that it might be knowne by what authoritye he sate ther : And, therupon, caused delyver his comissione to Mr. Thomas Sandilands, clerke (depute by and in the place of his father, Mr. James Sandilands, comiseur of Aberdeen, who was clerke to the Generall Assemblies of the Church of Scotland, and had been clerke at the former Assemblye,) to be reade by him publickly, which was done accordingly. His comissione was in Latine, wherby the King gave power⁽¹⁾ to James, Marquesse of Hamiltoune, amongst other thinges, for to call Assemblyes at such tymes, and in such places, as he should fynde expedient, and ther to sitt as Comissionair, and to doe all things for that ende according to the lawes and practise of the Church and kyngdome of Scottlande :—dated at Oatlands, July twenty-nine, 1638, and sealed both with the great seale and privye seale of Scotland. The reason why it was sealed with thes two seales was because the Archbishop of St. Andrewes, then Lord Chancellor of Scotland, had lately befor that, at his comming to court, delyvered upp unto the King the great seele of Scotland ; which was deposited therupon in the handes of the Marquesse of Hamiltoune, who kepted it till Lowdon was chossne Chancellour in the ende of the year 1641 : it was thought, therfor, fitt, that since the Marquess himself was keeper for the tyme, that, therfor, the Kinge his comissione unto him should be attested both by the great seale and privie seale lyckewayes, which was then in the keeping of the Earle of Roxbruche, Lord Privie Seale. After the comissione was reade, the Comissioner exhorted them to a peacable and moderate carriadge, twoching a little (but modestlye) the disorderly proceedings which had been used befor ther meetinge ; at which a nobleman, a ruling elder, startled, and answered sharply, that they had givne his Grace content for all ther proceedings ; to which the Comissioner replyed that he had never yet receaved any satisfacione from them in any of their proceedings, and, by waye of attestatione, calld God to wittnesse to it : But the contest ceased, howbeit it was tackne for a presage of the after carriadge of the Assembly, as some consterd it. Afterward immediatly the comissioners from severall presbytries, and universityes, and burroughs, gave in each of them ther subscribde commissiones from ther presbytries, *etc.*, to Mr. Thomas Sandilands (as yet depute clerke to the Assemblye) ; but the tryall of them was putt of for that night, and the Assembly was dismissed.

(1) [See the King's Large Declaration, p. 234.]

II. The next daye, November twenty-two, upon ther first downe sitting, they urged presently the choise of a moderator. But the Comissionaire desyred first that the King's letter to the Assembly bee reade, which was done: And heerin the King declared that albeit he was not ignorant that his best actiones wer mistackne by manye of his subjectes in Scottlande as if he had intended innovation of relligion and lawes; yet, considering that nothing was mor incumbent to a Christian Prince then God's glorye and relligion, he, forgetting what was past, had seriously tackne to consideratione such particulars as might settle and establish the truth of relligione in Scottlande; and to that pource had indicted the Assemblye and appoynted a Comissioner from whom they wer to expect the Kinge's pleasur in evrye thinge; and willes them to give suche respect to his Comissioner and obedience as if himself wer present, *etc.*:—dated Whytehall, twenty-ninth October, 1638.⁽¹⁾ How soone the King's letter to the Assembly was reade, the choise of a Moderator was againe urged by the members of the Assemblye. But whill this is pressed, in stepps Dr. Robert Hamiltoune, minister at Glassfoorde, and presentes to the King's Comissionaire a declinator and protestatione in name of the bishoppes of Scotland against the Assemblye, containing the nullityes of it, with a desyre that it might be readde and a publick acte entred for the productione of it.* To this the Commissionair added that it

A. D. 1638

King's letter; Declinator presented; Moderator chosen; Assessors to the Commissioner refused votes.

Novembris 22.

Sess. 2.

Thursdays.

(1) [See the King's Large Declaration, pp. 236, 237.]

* The introductione to the reading of the declinator was Hamiltoune, his affirmation, that, as he was coming in, ther mett him a man with a petitione, but he, desyrous to have all his actiones known, had refoosed to reade it, but desyrd the petitioner to be called in, and his bill to be readde; for, he said, it was reasonable to give the Kinge's subjectes satisfaction of ther petitiones. It was answered that no Court admitted petitions till it wer fenced, *id est*, constitute. The Marquis replied that the King or his Comissioner might at all tymes receive petitiones. The Lords said he might, but not an unconstitute Assemblye. Then the Marquis offered to reade it; but then all the Assembly cryed out, We will not heare it, We will not heare it, with great noyse. The Marquis said he did wonder at such a noyse in so reverend a judicatory, folded up the petitione, and then toocke instruments upon ther refoosal to heare the King's subjectes' petitiones. They answered as befor, and tooke instruments upon his untymouse urging that petitione. Rothesse said hottly, that it was an arrogant impudencye in thes praetended bishoppes, considdering as they noblemen wer used in former tymes, forced to thrust in ther petitiones through doores, but durst not present them openlye, or, if they did, received no ansuer; yet thes men would venture to be heard befor the judicatory wer constitute. The Marquis did tacke instrument that, contrary to the acte of Parliament, they wer called pretended bishoppes. Rothesse protested they should be called so till the Generall Assembly determined otherwayes in this poynte. The Marquess spake something of the loyaltie of the subjects, and protested for himself, that he had done as much, and he would doe as much, notwithstanding whatsoever oppositiones, as any subject within the kyngdome had done, could, or should doe, in this bussinesse; and therfor desyred againe all that heard him for to take notice of it. Rothess said

A. D. 1638. — was reason that the comissiones of the severall members should be reade and tryed, and that, thereafter, he was willing that a moderator should be chossne. But both thes propositions wer refused; and it was answered to the Commissioner that the comissiones could not be examined befor a moderator wer chossne, because if any questione arose concerning the validity of any of this commissions, it would be hard to tell how to judge thes doubttes; and that the synode could not doe it, because it was not a formall synode till the moderator and clerke wer chosne, who wer two necessaire members of that meeting; and for the bishops ther declinator, that ther was lesse reasone to reade it till the members of the synode should be first constitute, because it was appoynted for the synod and directed to be reade befor them, which could not be done till it wer a synode. This ansuer was not satisfactorye unto the Commissioner; for as he had opned the synod, so it belonged to him, in absence of the last moderator, for to have discussed all the comissiones of thoise who wer to vote to a new moderator, it being a preposterouse methode for to vote a moderator, and afterward to discuss the delegations who voted to his nominatione: For, *first*, it was possible that one might be listed or voted whose commission afterwarde might have been found invalide; and, *secondly*, suppose that the Assembly had divyded in three or four pairties for three or four sundry moderators listed, and they had one of them carryd the moderator's place by a vote or two, and then, at the tryall of the comissiones, some of thes commissioners, who had voted for the moderator thus chosne, had been founde not orderly delegated, and consequently wanting a commissione; *next*, suppose (as it is probable) that another pairty who had voted for another to be moderator had had all their comissiones valide, so that, in effect, ther choise was that which carryd it by vote, and the former not so, because some of the voters founde to have no power to nominate: this could not but begett a schisme and ane absurditye. However, wer it upon this accompt or otherwayes, the Commissionair entred a protestatione against ther refoosall for to trye ther comissiones befor the electione of the moderator. This protestatione was entred into the handes of Sir Johne Hay, clerke-register; wherein he protested that ther acte of choosing should neither praejudice the King's prerogative and authoritye nor any law or custome of the Church of Scottlande and kyngdome, nor to the dignitye and honour of the

something in reply; but then Lowdon stepps in, and thankes the Comissioner in name of all that wer present, for his panes, and assured him of all ther loyaltyes, no less then his owne.

A. D. 1638.

bishoppes, nor to ther authoritye to whom the place of moderator was due, and that it should not barr him (when he saw cause) from tacking legalle exceptions, either against the person elected or the illegalitie of his electione. To this it was answered by some that the Assembly did not intende to diminish either the King's praerogative, nor to acte any thing contrare to standing lawes or customs; but for the bishoppes they ought to be holdne for guiltye till ther innocency wer cleared. Others added that the bishoppes deserved a challendge upon that accompte, that they would usurpe the place of moderators in any Assemblye. Next, because the Assembly refoosed to heare the bishoppes' declinator reade, the Commissioner lyckwayes entred a protestatione in the Clerke of the Register's handes against the refusall of it, and took instrumentes therupon; and so lyckwayes did Dr. Robert Hamiltoun in the name of the bishoppes; which protestationes, though last mentioned heer, yet wer first tackne. Therafter they proceede to the electione of a moderator: Diverse wer listed * for the fashions sake, as the event verifed; for without one contrarye voice (except his owne, which he gave to Mr. William Livngstoun), Mr. Alexander Hendersone, minister at Lewchars, in Fyfe, (he who was one of the three ministers who was sent to Aberdeen to dispute with the divynes ther, a pryme Covenanter,) was chosn moderator. The Commissioner having protested already was a *non liquet* in his electione, neither voting for him nor any other, nor against them. But it was thought by many that the Tables had designed Mr. Alexander Henderson for moderator befor they came from Edinburgh, and that the most pairt of the commissionaires had ther directiones whom to vote

* *Actio tertia.* Ther was proponed by the moderator a lite of moderators, viz., Mr. Alexander Hendersone; Mr. Johne Ker; Mr. Johne Bell, elder; Mr. James Bonnar, and Mr. William Livistoun. But the Comissioner urged assystance of assessors, in respect of his want of skill and young age. Thes five [privy counsellors] did draw out thir privat letters from the King, testifying ther nominatione. The Commissioner urged the reading of the letters, but it was refoosed for to heare them publickly readde. They said the moderator might reade them himselfe. Wherupon the Comissioner stood upp, and tooke all the reverend gentlemen of the Assembly wittnesses, that they refoosed to heare the King's letters readd, desyring to tacke notice what hopes of a good successe of the Assembly was to be expected; and therupon tooke instruments in the Clerk Register's hand, of his protestatione, and ther refoosal, against all aequitye and the practise of former Assemblyes. The Lords ansuered it was not against aequity to refoose a thing not competent to them; and as for the practise, it may be of some corrupt, but of no reformed Assemblye; and they protested, and took instruments therupon in the old [clerk's] handes. After this, they went into the calling of the lite for the choise of a moderator. It is said that Mr. Andrew Ramsey was kept off the lite: had he not been reserved for disputing, not one being ther so capable a scollar as hee (so sayes ther owne relatione). But its sure Mr. [Alexander Henderson] was far mor able to moderate.

A. D. 1638. for. How soone the moderator was chossne he was placed into the chaire wher he beganne his office with a discourse and a prayer.* After the moderator was chossne the Comissioner told them that the King, by his letter, had nominated sex of the lords of the privye counsell to be his assessors; thes six the Comissioner desyred to be admitted to have the preiveleidge of voice in the Assemblie. The councillers nominate wer the Earl of Traquair, Lorde Thesaurer; the Earl of Roxbrugh, Lord Privie Seale; the Earl of Argyll (who before has been mentioned under the name of the Lord of Lorne); the Earle of Lawderdale; the Earle of Southeske; five lordes of the privy counsell; and to them was adjoynd Sir Lewis Steward, advocate, a gentleman of great learning and integritye. To this proposition it was answered, that the King's letter to the Assembly made no mentione of assessors and had delegate none to sitte ther but only the Comissioner himself alone; that it was an ill praeparative if his assessors should gett the preveleidge of a definitive vote, for by that meanes the King, who did constitute but six at that time, might sett downe a hundred afterwarde, and then pleade a right for ther sitting ther; that so many once getting power to vote might carrye what they pleased in the Assembly with pluralitie of voices contrare to the mynde of the Assemblie; that King James, although he had been present at severall Generall Assemblies personally, yet he had never sought but one vote: Yet that they spoke not anything to that pourpose as if they intended to reflect on thes lords of counsell, nominated for assessors, as if they thought ought but good of them, but only for to shunne thes inconveniences wherby the Church had in former tymes been hurt and praejudiced in her libertie; that the Comissioner, if he pleased, might consult with his assessors, but that they wer to have no voice ther; that if the King himselfe wer present he could not expect, in reason, but one voice, no more affirmative then any other member of the Assembly, but

* The summe of his discourse was, that he ever eschewed dignitie and preheminance in anything, considering his oune naturall rusticitye, which he knew in himself; his weaknes in learning, expression, pairts, government in such a place, and to be founde in many who wer present, wherby he might easily declyne the electione: Yet, seing this was so great a work, tending to the glorie of God, the honor of his King and Maister, Jesus Chryst, and weall of the kirke, he did accept of the electione, hoping that his Maister would proceed with him, and supply all his wantes, and give him forces from above, surpassing his nature and educatione; and then did thanke the Comissioner and all present, and tooke his place. It was then appoynted that the Comissioner should be first placed, and next the assessors, and to discern them, each gott a tockne of leade. Of thes assessors, Argyll, Traquaire, Roxburgh, Lauderdale, wer all secrett freendes to the Covenanters. Thes leade tocknes wer all marked with the provost of Glasgow, his name and mark.

that he could looke for no negative one : And it is reported that one, Mr. John Macklellan, a minister,* saide, in direct termes, that the King had no mor to doe with ther Generall Assemblies, then they had to doe with his Parliaments. Against this, ther refusall and ansuer, the King's Commissioner did proteste, and reqwyred that his protestatione might be entred into the register of the Assembly, which was accordingly done, together with the Assembly's ansuere. This was ill tackne by the King, nor did it savour weall into the eares of many others ; for this refusall implyd that a King had no mor power in an assembly ecclesiasticall, then any base mechanike, who may come to sitt as a ruling elder ther. It was saide, that, both in the Jewish tymes and primitive tymes of the church, after the Emperors became Christians, they had still the greatest sway in all church affaires ; though the presbyterians call this doctrine Erastianisme. The King furder affirmes that his father had never called so few as six to assiste him at the Assemblies wher he was present, all which had ever constant voice in Assemblies ; and that ther was little probabilitye that sex voices could oversway ane Assemblye ; *lastlye*, that it was no great courtesye to leet his Commissioner consult with the assessors, seing, in ther instructiones sent through Scotland, the Tables had ordered that evry laye elder from presbytries shoulde come attended with three or four, and evry Commissioner from burrowes with fyve or six of ther owne ranke and qwalitie, who should continow with them all the tyme of the Assembly, without whoise advyce they should not give a voice to any thinge. With thes altercations, this session was closed.

A. D. 1638.

III. The third daye of the Assemblye, being November twenty-third, the Commissioner did againe urge the reading of the declinator, givne in by the bishopps against the Assemblye. But the Assembly urged that a clerke† should first be chossne, they alledging that since Mr. James Sandi-

Clerk chosen.

November 23.

Sessio 3.

Frydaye.

* This he spoke in a sermon at another tyme, and not at this occasione.

† When the choise of the clerke was proposed, the Comissioner did affirme that it was needlesse, since ther was one already deputed from the former clerke, who had the place for his lyfetye, and had possession of the registers, and was acqwaynted with the office. But the moderator and Lords ansuered, that it was questionable if he could depute any in his place, himself being deputed, *quia delegatus non potest delegare*. The Comissioner did then protest that Mr. Thomas Sandilands should receave no wrong in the electione ; but Mr. Thomas Sandilands did submit, and then the moderator listed Mr. Thomas Sandilands, Johne [Nicol], Mr. Alexander Blaire, Mr. Archibald Jonston. The votes of all wer for Mr. Archibald Jonston, except Mr. Thomas Thores, minister at Udny, and Mr. Andrew Logye, minister at Raine, who voted for Mr. Thomas Sandilands.

A. D. 1638. lands was knowne to be aiged, and had excused himselfe by sicknesse, therfor it was necessaire to nominate a new clerke. Mr. Thomas Sandilands had a deputatione from his father, Mr. James, but that would not suffice; therfor, having worought him to a dimissione (though he came thither in hopes to have gottne his father's place), they fall to the nominatione of a new clerke, whom, after a whyles wrangling, they did agree upon. The man was Mr. Archibalde Jonstone, advocate (who had been clerke to ther Tables at Edinburgh, and had been the reader of some of ther protestationes at the merkatt crosse of Edinburgh), knowne afterwards by the name of Sir Archibalde Jonstone, clerke register, and Lord Warristounne. He was chosne without one contrarye vote, as the moderator had been befor him. The vote being past, the Kinge's Commissioner did lyckwayes proteste against his electione as formerly, but that debarrd him not. At his admisione, he made a short speeche, declaring his unwillingness and inability to accept and for to sustaine that charge; but withall affirmed, that at this tyme he would not be wanting for to contribute all that lay in his power towards the defence of the praeogative of the Sonne of God.

Two volumes
of Registers
produced.

IV. Mr. Thomas Sandilands, clerke, had delyvered and presented to the Assembly two manuscript volums of the registers of the Assemblies, containing the Actes of the Generall Assemblies of the Church of Scottlande since the year 1590. The moderator enqwyred if ther wer any present who knew what was become of the bookes of the registers of the former Generall Assemblies, since the yeare 1560, in which the state of the Church of Scotland might be best discovered, as it had stoode befor corruptions entred into its governement. This question he proposed not, as many thought afterwards, out of ignorance. Mr. Thomas Sandilands ansuered, in name of his father, that his father protested solemnly that he had never seene mor of the volumms of the register then he had sent thither. The truth was, that the old authenticke registers of the Assemblies of the Church of Scotland wer at that tyme in the custodye of Archbishop Spottswode, who carryd them with him into England a little befor this tyme; nor could they ever be recovered or seen, nor can it be told (for ought I can learne) what became of them, or wher [they] are, unto this very daye.

Five more
volumes of
Registers.

V. But it seemes some imperfeit mutilate transcriptes had been tackne or kept by the clerkes, or other private persones; for whilst the Assembly seemed to be at a losse, and to lament the want of thes famouse monumentes, Mr. Archibald Jonstone, the new chosne clerke, to the great joye of all the

Assembly, presentes the other registers that were amissing.* They wer A. D. 1638.
 five manuscript bookes, and contained the actes of the Generall Assemblies
 from 1560 to 1590. They say ther wes nothing wanting but only some actes
 cancelld by Mr. Patrick Adamsone, Bishoppe of Saint Andrewes, which he
 is affirmed to have confessed by his recantatione, under his hande, when he
 laye a dying; although some doe not value that recantatione of his muche,
 it being extorted, and never readde by the subscribent. How soone thes
 bookes wer exhibited, ther was a motione made for to appoynte a number of
 delegates for to peruse thes bookes, and to give ther judgements and ther
 reasones whither they thought them to be authenticke registers or not.
 The ministers appoynted for that pourpose wer Mr. Andrew Ramsey, min-
 ister at Edinburgh; Mr. Johne Adamsone, principall of the Colledge of
 Edinburgh; Mr. Johne Row, minister at Carnocke in Fyffe; Mr. Robert
 Murrey, minister at Methven; Mr. James Bonner, minister at [Maybole];
 men come to yeares, who wer saide to be acqwaynted with the hand wrytt-
 ings of the severall clerkes of former Assemblies: And for consulting the
 validity of the reasones, ther wer added unto them three advocates, viz.:—
 Mr. Alexander Gibson of Durye, Mr. Alexander Peersone, and Mr. Alex-
 ander Wedderburne. To this the Comissioner gave waye; but when it was
 desyred that his Grace wold conjoyne three of the lordes of Councell, with
 the rest of that committye, for tryall of the registers of the Assemblies, he
 refoosed, and it was no more urged thereafter.

VI. The moderator and clerke both being chosne acording to the prae-
 determination of the Tables at Edinburgh and the vote of the Assembly at
 Glasgow, the Commissioner beganne againe to presse the reading of the
 bishoppes' declinator. But his desyre was rejected, and it was told him that
 the Assembly must be fully constituted of all its members and be once an
 Assembly befor any thing could be presented unto it. To which it was
 answered by the Commissioner that he reqwyred it onlye to be readde, not
 to be discussed, untill the members of the Assembly wer constituted by
 allowing of ther severall commissiones; because this declinator contained
 reasones why either all or at least some elected should not be admitted
 commissioners in the Assemblye, because of the nullityes of the electiones
 expressed in the declinator; which reasones, containing the saides nullityes,

Reading the
 Bishops' de-
 clarator
 urged.

* *Nota.* It is very uncertaine if the registers presented wer the principalls, or if only
 coppys; but to this daye Sir Archebald Johnstone, of Warristoun, would never tell how he
 gott them into his handes.

A. D. 1638. might perswade (as they hoped) with them for the rejecting ther Commissiones ; which could not be done after ther approving and allowng of them, and so by vertwe of thes commissiones admitting them for constitute members of the Assembly. The reasone why the Commissioner did so muche presse the reading of the declinator was, because he foresaw that they meant to putt him to a dilemma which still should bring ane inconvenience along with it, viz., the declinator cannot be reade befor the Assembly be constituted ; and they, fearing that the declinator contained reasones against the constitution of it by such members as wer elected, and that, after they wer once admitted, it was too late to alledge any reasones, for then they wer sure to answer that all elections wer discussed and the members of the Assembly receaved, and, therfor, nothing then to be heard againste either ; as it was not ill guessed. For ther reasone, indeed, why they refoosed to reade the declinator befor the tryall of the commissiones, was because they supposed that the declinator contained a formall protestatione against all the members of the Assembly as being illegallye delegated. Next, they conceived that it was not a bare reading therof that the Commissioner prest, but rather to have it entred amongst the actes of the Assembly and putt upon recorde ; and they feared that, after it was once reade, the Commissioner would next urge the examinatione of the validitie of the reasones therof. This, they judged, would praejudice the libertye of the Churche very much if it wer done befor the Assembly wer constitute in all its members ; and funder, they foresaw, as they thought, that heerby the power to judge of the validitie of that declinator would be castne into the handes of the Commissioner alone, no member of the Assembly having a capacitee to judge of it, they being as yet not declared members. Heerby, lyckwayes, they thought that all the ruling elders wold be cast by the Commissioner, if he alone should be empowered with authoritye to judge of the validitie of that declinator. The Commissioner had no remedy left but to betacke himself to the Covenanters late waye of protesting (for now the dyce beganne to turne very fast to ther syde), a trade that, in the short tyme that the Assembly had sittne, he had oftner then once alreadye practised. Therfor he calles themselves solemnly to wittnesse, whither, with any shew of justice, the reading of the bishopps' protestatione could be deneyd befor the elections wer admitted, the principall aime of it being to shew reasones why they could not be admitted ; wondering with what colour of face they, above all men, could doe it who had reade and published so many protestationes, both

against the King's proclamations and actes of the councell; and so how they could deny to the King's Commissioner a thing requyred in the King's name and by his authoritye, whiche they themselves had practised without any warrant or authoritye. To this protestatione they answered, that they did not simply refoose to heare that declinator reade, only they did desyre that it might be putt of till the convenient tyme for the reading of it; and that the bishoppes ther cause could sustaine no hurt by their so doing, seing whilst they wer trying the commissiones, or after they wer tryed, they might be heard to propose ther exceptiones, in doing whairoff, they said they wer confident to satisfie all unbyassed men.

VII. Evry weapon is not alycke agreable to evrye hand, no nor that same weapon. The protestationes which lately proved an usefull engyne to the Covenanters to gaine grownde upon the King, by his gradwall concessiones, thus lossing the outworkes of his prerogative by weall backed protestationes, could not now doe so much as keep grownde, lett bee to regaine any, being putt into the handes of the King's Commissioner. The cause concerned them mor neerly then it did him; they wer in earnest; for now the fourth session of the Assembly being come, *Novembris* twenty-fourth, the clerke beganne to reade the several commissiones,* which wer in all one hundereth and twelve in number. The King's Commissioner, as formerly, entred a protestatione that it should be lafull for him to tacke exceptione against thes elections, in his owne time, as he should see reason for it afterwards; only he was content to goe on, that he might see ther justice in allowing or dissallowing the electiones, which he might easily presume of befor they wer readde. All ther commissions wer after one straine, as it was ordered befor by the Tables, and did runne thus†:—That thes who were commissione in the name of the respective presbytries should propose, dispute, and give sentence of all matters ecclesiasticke that should fall within the Assemblye's cognitione, according to God's worde, and the Con-

A. D. 1638.

Commissions
read.November 24.
Sessio 4ta.
Saturdaye.

* The moderator desyred that at the reading of evrye Comission, such as had ought to say, might object; otherways it would be holdne *pro confesso*. This made the Comissioner againe to protest that he might be included, and have power to challenge any Comission or Comissioner that pleasd him. When the Comissiones beganne to be readde, a gentleman did stepp in, presenting a complaint against some non-Covenanter ministers and his bishop, desyring the Comissioner to cause reade it. It was refused, because the Assembly was not fully constitute; yet the gentleman was a Covenanter. The Comissioner answered, that he desyred it to be readde, that so it might be seen ther was none within the kyngdome whom his master would woronge, only maintaine, as had been alledged, by law.

† *Historia Motuum*, pag. 88.

A. D. 1638. fession of Faithe, publickly approven and receaved in the Church of Scotland, and confirmed by the actes of many Nationall Assemblies. This clause, they say, was ordered (by the Tables) to be added pourposlye; not that they did ascrybe aeqwall authoritye with the worde of God to any human wrytte, but only because they acknowledged the Confessione of Faithe for to bee the orthodoxe forme of homologating ther beleefe, out of which the controversies arisne might be the mor easily determined; as also to lett the world see that they wer not in any thing to fall backe unto Popery, which, by some, it was alledged that the Kirke of Scotland was doing.

Objections to
commissions.

VIII. When the commissiones beganne to be readde, they wer ther who opposed sundrye of them, which the Assembly strove to qwyett. One of the first that raised an heate in the Assembly was the comissione from the presbytrye of Peebles; which was no sooner reade but presently ther was a protestatione reade against it, and a petitione givne in by a minister of that presbytrye,* not against the electione itselfe, but against some violence pretended to be used by the Lord of Traquaire, who, being an inhabitant within the praecinctes of that presbytrye, was present at the electione. The petition was saide to be conceived in boisterouse and uncivill tearmes; but Traquair answered all that was praetended so fully, that not anye one in the Assembly seemed to be unsatsfeed, the election appearing to have been as punctwally made as anye, even acording to the publicke instructiones of the Tables. Yet the approbatione of thes commissioners was put off and respited, until such tyme as the protestatione and petitione should be examined; † and the examination thereof was delayed from tyme to tyme, although oftne called upon. The Comissioner told them that all admird at ther proceedings, and that, if the petitioner failed in his probatione, (which afterwarde he did, and asked pardon for it), he deserved some exemplar punishment to be inflicted upon him, who had dared to traduce so great an officer of state as the Thesaurer. But others thought that the minister was sett on to petitione, because the comissioners (although Covenanters) wer not the verye men who wer designed by the Tables at Edinburgh, nor such

* Mr. Robert Eliot, who protested against Traquair, his intrusion. Traquair did so hottly defende himself, that the Lord Yester was forced to second Mr. Robert Eliot, who now was grown defender.

† The next day was first assigned to be the tyme of the examination therof.

as another lord, dwelling in that presbytrye, had a mynde too, which lord was a ruling elder and a Covenanter.* A. D. 1638.

After this there arose ane hotte contestatione concerning the electione of a ruling elder for the presbytrye of Breichen. The Earle of Montrosse† presented ane comissione, in which the Laird Dunne was chossne ruling elder, by the voice of one minister and some ruling elders. Ther was another comissione presented by that presbytrye, in which the Lord Carneggye, eldest sonne to the Earle of Southeske, was chossne comissioner, lauffully chossne by the voices of all the rest of the ministers and laye elders. Yet, because the Earle of Montrosse did oppose the electione of the Lord Carneggye, his oune brother-in-law, all the pluralitye sided with the Laird of Dunne, for whom the Earle of Montrose stooode, as supposinge the Laird Dunn to be a mor forward Covenanter then the Lord Carneggye, which was true. It could not be saide that ther was anye reason to cast Carneggye, yet they would not admitte him; and in this dispute ther fell out somewhat very remarkable, which was thus:—Ther was writtyne upon the backe of that comissione which was tendered by the Lord of Montrosse, a declaration wherin the lauffullnesse of that comissione, and the unlaufullnesse of the other, was offered to be cleared, in which, amongst other things, it was objected against the Lord Carnegaye, his electione, that it was made contrarye to the directiones of the Tables at Edinburgh;—which the clerke perceiving, stopped, and wold reade no further. Heerupon the Comissioner requyred the moderator to give him a coppye or extracte of that paper which was last readde, and of the names of thois who had sub-scrybed unto it; and that sub-scrybed by the hande of the clerke of the Assemblye. The moderator absolutelye refoosed it. The Comissioner told the moderator that he desyred it to helpe him in the King's service, that

N. B.

* The comission of Glasgow came on next, wher the Lord of Eglintoune was ruling elder. It was questioned by the Comissioner, who promised to give in his reasones against it, with the rest of the reasones against other comissiones.

† Montross disputed for Dunn, and, by eighty persones, attested Dunne's electione. Southeske disputed for Carneggy, his sonne, with whom the Comissioner, in Carneggy's absence, tooke pairt; but the Assembly syded with Dunne. The sturre grew so great, that the moderator wished both ther comissions to have beene annulled befor such noise should have been. To this did Southeske ansuer sharplye. The moderator replied that he had been his minister twenty-four years, yet had never wronged him. Loudon then said that no lord ought to upbraide a moderator; and then Southeske excused himselfe, and qualifid his own wordes. The contest betuixt Montross and Southeske grew so hotte, that it terrifyd the whole Assembly, so that the Comissioner tooke upon him the moderator's place, and commanded them all to peace.

- A. D. 1638. by it he might bee the better informed how to proceed in objecting against such comissiones as he meand to challenge. The moderator againe refoosed to doe it, telling that the challenged declaration was but accidentally wryttne on the backe of the comissione; and said further that ther was no reasone for it to delyver upp a private note that was wryttne by any man, except the wrytter therof wer willing to doe so. The Commissioner replied that could not be accidentally wryttne, nor a private paper, which was givne in publickly to the Assemblye, and that by a member of it of so great place and qualite, for a justificatione of his proceeding in that electione; and withall protested that, though he wer not the King's Commissioner but the meanest subjecte of the launde, he could not in justice be deneyd the copy of anything exhibited in a court of justice. But all in vaine; for, after much cavilling by the moderator and other Covenanter Lordes, the Commissioner desyred the moderator for to putt it to voices, whither he could be deneyd a coppye of it. Even that was refoosed to him lyckwayes; upon which the Commissioner, with some myld expressiones of distaste, said "Let God Almightye judge if this be a free Assembly, in which his Majesty's Commissioner is denyd that which cannot be deneyd to the meanest of his subjectes." And at last he tooke instrumentes in the handes of the Clerke Register, that he was refoosed the coppye of a declaratour givne in to the Assemblye, delyvered into the clerke's hands, and publicly reade by the clerke; in whiche, amongst other thinges, was contained, that the election of the Lord Carnegaye commissioner from Breichen was invalide, as beinge contrarye to the directiones of the Tables of the commissioners at Edinburghe: which occasioned the moderator to saye that the Commissioner needed no coppye of it, he had so faithfully repeated all that was contained in it. The Commissioner, heerupon, since he could not obtaine a coppye of it, desyred all present to be wittnesses of what the moderator had spokne, and that he had acknowledged his faithfull repetitione of that part of the declarator wherof he was refoosed a coppye; and therupon again tooke instrumentes in this bissnesse. Sir Lewis Steward, one of the Commissioner his assessors, spokke some wordes which, the moderator being about to answer, the Lord Montrosse forbid him to answer one who had no place to speacke ther. Afterwards ther arose a great contest betuixt the Earle of Southeske, one of the Commissioner's assessors. father to the Lord of Carnegye, and the moderator, with so much heatt on the moderator's syde, and some Lords who syded with him, that the Commissioner was putt to mod-

erate the Moderator and quenshe the heate of the chollericke Assemblie, for which manye of them gave the Commissioner thankes; and with this that Session ended till Munnday, to which day all bussinesse wes continowd.*

A. D. 1638.

IX. Upon Munnday, November twenty-six, being the fyft day of ther sittinge, they proceede to the tryall of the rest of the controverted elections, refusing to heare the Lord Carnegaye his election disscussed, but putting it off to a comittee. Mr. Andrew Logye, minister at Raine, chossne commissioner from the presbytrye of Gareochie, in the shyre of Aberdeene, was refoosed to be admitted. Ther was no exceptione against his electione; but it was told that ther was a petitione presented against him to the Assembly; and no voice must be allowed him till he had ansuered that; albeit all saw that by such meanes any commissioner might have been laid by, since it was no difficultye to fynde some body to present a petitione against any one whom they fancyd not, of which number Mr. Andrew Logye (as afterward appeared at the Assembly of Aberdeen) was one.† The next who came in questione was the commissione of Mr. Thomas Makeinzie, who was sent from the presbytrye of Channry of Rosse. His electione, and the formalitie of his electione wer both called in questione in the very narrative of his comissione, which did beare that he should continow ther no longer then the King or his Commissioner should continow the Assemblie, because the sole power of calling and dissolving Assemblies did belong to the Kinge. For the present he was only suspended from having a voice; the reason was, because he was founde to be a Non-Covenanter, and had openlye averred in the Assemblie that, at ther electione, the ministers of ther presbytrye wer threatened by thoise who brought letters from the Tables, if they should electe any but such as they who brought the letters desyred.

More commissions objected to.

November 26.
Sessio 5ta.
Mundaye.

The next electione that was called in questione was that which was sent from the presbytrye of Aberdeene. Ther wer two comissions produced from that presbytrye. One was of Covenanters, made by a few ministers but many ruling elders, at which neither the moderator nor clerke had been present, nor had they mett upon the right presbytrye daye. The other elec-

* In this Session, the Laird of Ker objected against the Presbytrye of Rothsay, that they wer not a Presbytrye, nor could give Comissiones, being but two ministers to give it.

† Mr. Andrew Logy's defence was, that the bill givne in against him was but calumneys, sent by a leud man, Sir Alexander Gordon of Clunye, because he reproved him for scandalouse cohabitatione with the Lady Wardesse.

A. D. 1638. tion was made only by ministers, and at which the moderator and clerke wer both present, and it was made upon the right presbyteriall dyett, which was appoynted by common consent of the presbytrye. The commissioners chossne in it wer Doctor Robert Barron and Doctor James Sibbald (two of them who proposed the queries to the three ministers); yet ther electione was rejected, albeit it was attested by Mr. James Hervye, minister at New Machor, clerke to the presbytrye, who was lyckwayes chossne, and was the only man of the three who kept the Assembly,—to no pourpose, for he was glade to returne home againe in the beginning of the Assembly, voice being denyed to him. And, albeit no presbyteriall acte can macke faith without the moderator and clerke's hande, or one of the two, yet the commissi-
sione of the two Covenanter ministers, Mr. David Lindsey, minister at Belhelvy, Dr. William Guild, minister at Aberdeene, wanting both, was accepted of as valide upon the bare relatione of one of the Covenanter ministers who was wrongfully chossne, and the attestati-
one of the other, whom the moderator openly, in the Assembly, called upp and desyred for to testifie whither the relatione of his fellow wer true. This was thought a straunge methode of ane probatione of a publicke recorde, for to tacke the pairtye who pleaded against it for to be wittnesse in his oune cause. Yet they saye* that they wished that Dr. Barron, or any of the divynes of Aberdeen, might have beene present that, in publick dispute, they might have been put to it concerning Episcopacye, and ther mouthes closed. Ane needlesse wish (if truthe), for ther duplyes, then and ever since, stand unanswered. Nor did Dr. Barron and Dr. Sibbald, though bothe chossne by the presbytrye, see any reason to goe ther, wher they wer sure not to meete with aeqwall hearing. The reasones of ther absence, that the Latine wrytter of the History of the Troubles renders to us (*viz.* that they wer dissuaded from comming by thoise who had advysed the Commissioner to prorogate the synode,) are not worth tacking notice off, nor dares he call them other then conjectwrrall.

Commission
[from] the
University of
Aberdeen
sustained.

X. The University of Aberdeene sent none of ther professors to the Assemblye; for it was scarce safe to come, they having wryttene flatly against the Covenant. Only they sent one of ther number, no divyne, but ther professor of humanitye, or rather maister of the grammar scoole,

* Hist. Motuam, pag. 89.

Mr. Johne Lundy,⁽¹⁾ to excuse ther absence. His comissione being readde, A. D. 1638. gave him only power to be ther, and did constitute him ther agent in any thinge which should concerne ther Universitye; requyring him to continow ther, and from tyme to tyme to give them advertishment of all that passed. The moderator did justly affirme that that was no comissione, the pairtye having no power by it to give any voice in the Assemblye, and so ther was no mor to be saide to it; but immediatly something being transmitted by whispering from eare to eare, untill it came to the moderator's eare, the moderator beganne presently for to retract his former judgement of the comissione, and, perusing his letter of credence, saide ther was only wante of formalitie in the draught, which he might easily passe over. So they allowd that for a comissione which was none, and the Assembly gave him that power which the Universitye of Aberdeene would not give him, admitting him to have voice in the Assemblye; for if the Universitye had meant him a voice ther, they would have sent a divyne, not a grammarier. The reason of that whisper which made the moderator so quickly recant was that he gott secrett informatione that Mr. Johne Lundy was a Covenanter, although he expected none such from the Universitye, and he was, at home, knowne to be one then and afterwarde.

XI. It is not to be forgottne that the commissioner of Rosse, Mr. Thomas Makeinzie, fynding his comissione rejected, gave in a protestatione, to be reade in face of the Assemblye, against the lafullnesse therof, subscribed [by] himself and some other handes.* The reasones of it wer, because they

Protestation
[by] Mr.
Mackenzie;
challenge by
Mr. Andrew
Ramsay.

(1) [Lundie subscribed the Covenant in July 1638.—Spalding, *History of Troubles*, vol. i. p. 58. In the following October, he appears among those who refused to subscribe the King's Covenant.—*Ibid.* p. 74. Our author's statement, that Lundie had no Commission to the Assembly from the University, and that he exceeded his powers, is corroborated by Spalding.—*Ibid.* p. 75. See also *Records of the Kirk*, vol. i. p. 43. On the fourteenth January, 1639, he "willingly, of his own accord, upon plane fear of trouble," subscribed the King's Covenant, in the Marquis of Huntly's house, in Old Aberdeene.—*Ibid.* p. 88. In the following month, he was charged by the members of the University with having gone beyond his Commission at the Glasgow Assembly when, says, Spalding, he "pleaded guiltie, and confessed his error; and by ane act, not subscribed with his hand, confessed he had no warrant nor Commission to the effect foirsaid."—*Ibid.* p. 96. On the tenth of April, he again subscribed the National Covenant.—*Ibid.* p. 117. Lundie was the author of some compositions. The most curious bears the following title:—"Oratio Evcharistica & Encomiastica, In benevolos Vniversitatis Aberdonensis Benefactores, Fautores & Patronos; A Joanne Lundæo, Humaniorum Literarum Professore. Habita xxvij. Jul. 1631. Aberdoniis Excudebat Edwardus Rabanus, 1631." Verses by him, both in Latin and in English, will be found in *Bishop Forbes' Funerals*, pp. 370, 414.]

* It was protested that Mr. Thomas Makeinzie would stand to his protestation, though it was rejected, as not done in place, nor face, nor practise of presbytry. Rothess and Loudon

- A. D. 1638. had admitted ruling elders to vote ther ; and, secondly, because thes ruling elders wer admitted to have voice in the electione of ministers. The King's Commissioner called for a coppie of the protestatione ; but the tenour of it was so displeasing to Mr. Andrew Ramseye, minister at Edinburgh, that he had no longer patience, but upp he standes upon a stoole * or fourme, and gave a publicke challenge, offering to dispute it with any, and to prove, against any man, the laifullnesse of ruling elders by Scripture, antiquitye, fathers, counsellors, the judgement and practise of all the reformed churches, even the Church of England itselfe, who admitted them into the highe commissione, besyde the constant practise of the Church of Scotland from the very Reformatione. His These was that ruling elders not only ought to have a vote or suffrage in Assemblyes, but that they wer necessair (or essentiall) members of all Church Assemblyes, specially nationall. The Commissioner told him that he ranne no great hazard in his challenge, for he was sure that the judges would be his secondes ; yet, if it pleased him, he should fynde him one who should enter the listes with him, either publickly or privattly, upon that qwarell. Some wer displeased with the challenge ; but not a few thought it was a great poynte carryd, because Dr. Ballcanquell, who was with the Comissioner at that tyme, and bore the repute of a greate divyne, did not accept of the challenge ; nor any of the bishoppes, who, at that tyme, were said to be in Glasgow, or, at least, in Hamiltoun,† not farr distant, albeit it was presumed they might heare of it. It was late within the night when Mr. Andrew Ramsey gave the challenge, and so the tyme of dispute for that night was past, and the session dissolved, all the members therof being at last constitute of ministers, or professors of divinitye, and ruling elders.‡ The number of the ministers are said to have been, adding professors of divinitye to macke them out, ane hundereth forty-three in all ; nynty and fyve ruling elders, sent either from presbytries or bur-
- N. B.

quarrelld at it, as having in it many infamouse calumneyes against the nobility and gentrye ; but the Comissioner promised he should stand to it.

* It is said Mr. Andrew Ramseye stoode upp on a fourme lyke a little cocke (I use thir own wordes), right against the Comissioner, and offered dispute.

† Hist. Motuum, p. 90.

‡ Mr. Robert Eliot, his protestation was rejected as groundless. Dr. Strang had four comissiones for Glasgow University ; but, after dispute, it was rejected, except one comissioner admitted. Comission from Rothesay was castne, as not being from a presbytrye. Two laicke comissiones from Orkney ; one from the presbytrye admitted ; the other rejected, as not comissionat from brugh nor presbytrye, nor universitye.

roughs; of whom there wer seven earles, ten lordes; knights and barrons twenty-eight, gentlemen sqwyres twell, macking fourty in all; burgesses or cittizens, fiftye and one.⁽¹⁾ Two of the towne's ministers, or therby, wore gownes; all the rest of the clergie in ther cloackes, and distinguished from others mostly by the colour of ther clothes, though not that waye neither from all the ruling elders; the nobilitye and gentrye in secular habites, ther clothes coloured. And that which made it look lycke a mixture of a court martiall was that swordes wer worne by rulinge elders whilst they sate in the synode, a practise which will not fynde many examples in churchcoun-cells befor thes tymes.

XII. It was judged not to have beene ane acte of prudencye in the Assemblye for to have tackne exceptiones against thes few electiones, which wer made contrary to the directiones of the Tables; for, albeit, they had been all swallowed, yet they wer so few and inconsiderable that they could never have carryd any poynt against the vote of the rest of the Assemblye; and besyde, by so doing, it wold have vindicated themselves from all suspitione of partialitye. But it seemes they wer curiouse that non should be a member of the Assembly, who probably wold dissent or protest in any thing from the rest, that the unanimitye of votes which was afterwardees seene, might the mor justifie the proceedings and atteste the relevancye of ther actinges to after tymes. Nor was ther refusall of a vote to the Commissioners' six assessors, upon that same accounte, thought by many to have savoured either of discretione or dutye to ther prince. And then for the Assembly itselfe, indifferent men looked upon it as being the same thing materially and in substance which the Tables wer at Edinburgh; the moderator being that same who had the great influence upon them at Edinburgh; and the clerke of the Assemblye, the same who was clerke to the Tables at Edinburgh; the members of the Assembly, for the greater part, such as sate at the Tables ther; and, which did not suffer a good constructione, ther meeting uswally at the towne house (or tolbowith) of Glasgow before they did conveene in the churchc (the meeting place of the Assemblye). All thes thinges being considdered, it was easye to judge what the actes and determinationes of the Assembly would bee; for thes who, all the yeare long, had been petitioners and protesters and remonstrants against churchc greivaunces, and bishopps, and corruptiones in the churchc, and

Reflections
on the pro-
cedure about
commissions.

(1) [There is an obvious inaccuracy in these numbers—See Records of the Kirk of Scotland, vol. i. p. 111.]

A. D. 1638. woronges done to themselves; they were mor then blynd who saw not that, now having gott upp into the saddle, and beinge sett downe in a formall constitute churche judicatorie, and of supplicants and petitioners growne judges themselves, that they would be sure to see themselves gett no worong and to mende all that they thought to be amisse, and to macke all fynde the waight of ther handes whom they tooke for ther enemyes. It is from henceforth, therfor, that they must bee looked upon as the church representative acting magisterially, which accordingly was commenced the next daye.

Report about registers; assessors to the moderator; privy conference; the Assembly declared a compleat synod.

November 27.
Sessio 6ta
Tewsdaye.

XIII. The next daye of the Assembly's meeting, being Tewsday, *Novembris* twenty-seven, and ther sixth sessione, first of all, the committye for tryall of the registers of the Assembly gave in ther testimoney subscribed with ther handes, wherin, by nineteen reasones, they did declare that the registers presented by Mr. Archbald Johnstone (present clerke) wer all authentick.* Thes reasones wer publickly reade. The Commissioner professed that it had resolved him of sundrye doubttes, but desyred a tyme to be mor fullye advysed. Others wer so fully cleare, that they desyred that the matter might presently be voted, approve the registers or not approve. But the moderator thought it fittest to delay till the next session, both for to satisfie the Commissioners' desyre, as also to tacke awaye the occasione of the sinister constructione of praccipitatione in a matter of so great concernement.

Therafter, the moderator proposed the questione, whither it wer the Assembly's will that he should have assessors conjoynd with him? It was answered, that it was never the custome of the Genrall Assemblies for to adde assessors to ther moderators; yet they wer content that the moderator should be licenced to name any whom he pleased, whoise asistance in private he should or might daylye use, in preparing and putting thinges in order, to be proposed to the Assembly, after they wer thus prepared. The moderator next did propose the questione, whither or not they would admitte privye conference to the moderator and some members of the Assembly? This proposition (acording to the moderator's expectatione) was rejected, as the engyne of tyrannye, wherby they saide the prelatts had enervate the authoritye of Assemblies, and made them cyphers, whilst they themselves, and such as wer admitted to the privye conference, wer the di-

* Assembly of Glasgow, pag. 1. [See Records of the Kirk, vol. i. pp. 22. 24.]

gital numbers who gave value to all the reste. Wherupon ther was an acte past, dissallowing any private conference, or constant assessors to the moderator.* Therafter, some wer nominate, who should be asisting to the moderator, as a comittye, for preparatiōne of things to the Assemblie; which some judged to differ little from the private conference and constant assessors. And, lastly, ther was a comittye appoynted, who should take in and represent to the Assembly the grievainces of the church, having first collected and drawne them upp, to be proposed in order. This being done, the Assembly declared themselves to be ane whole Synod, compleete in all its members, and lauffully and formally constitute.

XIV. The Commissioner, who diverse tymes befor had pressed the reading of the bishopp's declinator, urges once againe to have it readde, which at last was done accordingly by the clerke of the Assemblie. Some did smyle, others laugh and jeere, at it, whilst it was a readinge; and it is affirmed that they wer once resolved, by transsmision of a general whisper from one eare to another, when it was reade out, to have receaved it with a generall hissing; but that, by another generall whisper, transmitted as the former, that course was said to be stopped; so it past not amongst the actes of the Assembly: therfor it is hard to saye, if it wer certaine or not that they intended so to entertaine the declinator with such a generall inarticulat ansuer.† After the reading of the declinator was ended, the Comissioner did speacke home to them, for the necessitye of that declinator, and the unavoidable strenth of the reasones contained therin, and in depressing, by waye of paralell ther lybell against the bishopps, which he spared not to call infamouse and scurrilouse, both in the matter of it, and in the manner of publishing it; and heerupon tooke instruments in the clerke of the register's handes, both for the productione and the reading of the declinator. Some of the lordes of the Assemblie offered to doe the lycke in the clerke of the Assemblie's handes; but the King's Comissioner told them it was needlesse, since it was not tendered to the Assembly, but to himself. First the moderator, in a short speech, deplored the obstinacye of the bishops'

A. D. 1638.

Bishops' declinator is read.

* See Actes of Glasgow Assembly. [See Records of the Kirk, vol. i. p. 46; Bailie's Letters, vol. i. p. 110; Stevenson's Hist. of Church of Scotland, vol. ii. p. 509.]

† Large Declaration, p. 247. At the urging of the reading of the bishopps' declinator, Rothesse saide the bishopps had been long upon that queere; but, God willing, they should have an ansuer ere it wer long. The Comissioner saide it might be knowne by the date, that it was come poste from the archbishop of St. Andrewes. Then Dury protested that the doctor should follow out the processe, etc.

A. D. 1638. heartes, who, in all that declinatour, had bewrayd no signe of remorse and sorrow for ther wicked courses. And then the lords of the Assembly, it seemes, perceving ther error, that they who founde themselves to be judges, had offered to tacke instrument in the clerke's hands, upon the production of any thing exhibited (which was never hearde to be done by any judge, but by the actor or plaintiffe), prompted some younge noblemen and gentlemen Covenanters (but not members of the Assembly) then present, to demaunde instruments of the production of the bishoppes' declinator; and that therby they did acknowledge themselves to be citted to the Assemblie, since they had now compeared by ther procurator or delegate. And in the name of thes young noble and gentlemen (who declared themselves to be complainers upon, or actors against the bishoppes), Mr. Alexander Gibson of Durye, younger, clerke to the Sessione (or courte of justice), demaunded instruments, and entred a protestation verbally, somewhat obscurely for the termes. The summe of it was, that they wold persew the bishoppes and ther lybell against them, so long as they had lyves and fortunes, *etiam in foro contentiosissimo*; and withall requyred Doctor Hamiltoune, ther proctor, then present, to tacke notice that they cited him *apud acta* to compeer *de die in diem*, to ansuer for the bishoppes till sentence wer givne; and withall they proteste, that the bishoppes' willfull absenting of themselves from the Assemblie should be no stopp nor hinderance to them, for which they should not be licenced for to persue ther lybell and processe against the bishoppes. After he had made ane ende, the Comissioner first protested against ther protestation, telling the Assembly that the declinator was properly presented to himself, and not to the Assemblie; that the questione was concerninge the competencye of the judge, which in law is still to be accompted a peremptory exceptione; and then he discharged the bishoppes' proctor from appearance befor that Assemblie, to which he had presented no declinatour, but requyred him to appeare befor himselfe, to whom it was presented, when he should requyre him. The summe of the bishoppes, ther declinator, was as followethe:⁽¹⁾—

Sum of the
declinator.

XV. First, in name of themselves, and in behalf of the Church of Scotlande, declare, *first*, That a right constitute Generall Assembly is ane effectwall and necessarye meanes for removing the evils of the church, and setting right order, which they wished above all thinges. *Second*, That the King

(1) [See the King's Large Declaration, p. 248—264; Records of the Kirk, vol. i. p. 99—106.]

has power, by his prerogative royall, for to call Assemblyes of the churche, [as is] acknowledged by Glasgow Assembly, 1610, and Parliament, 1612; and that it is not lafull to call them without his consent, except they will be thought guiltye of seditione: But that they esteeme the presente meeting at Glasgow null and voide in law, in its proceedings, and itself unlafull and disorderlye, for the reasones following:—

Firstly, The Tables gave order to the severall presbytries to choose commissioners to the Assembly befor the King indicted the Assembly, and they commanded to keep a fast, September sixteenth, befor the Assembly; albeit the warrant to hold the Assembly was not published by the Kinge's command, till September twenty-second thereafter; which was a preventing lafull authoritye, by such as wanted authoritye.

Secondly, The most pairt of all the clergye conveend in this Assembly have never, in the presence of archbishop, bishopp, superintendent, or commissioner of the diocesse, subscribed the articles of religion contained in the actes of Parliament, nor have they sworne the oathe of alledgance to the Kinge, nor can they prove that they have done so; yet they are obleidged therunto by Parliament 3, Jac. VI., chapter 46, 1572, under paine of being *ipso facto*, deprieved in caise of disobedience: therfor the members of this Assembly are *ipso facto* no ministers, nor capable to sitt ther.

Thirdly, The members of this Assembly have neither subscribed the Confessione of Faith nor band of maintenance of the King's person and authoritye, as was commanded September twenty-fourth, 1638, nor have they sworne at ther admission that the King is supreme governour, in matters spiritwall as weall as temporall, which is enjoined Jac. VI., Parliament 1612. On the contrary, they have refoosed to subscribe the bande of maintenance, and by all meanes have dissuaded others, and hindered them from so doing: therfor, *etc.*

Fourthly, The King condescended to graunt an Assembly to such as should acquiesce in his last gratiouse proclamatione, and carry dwtifullly and peacably. But thes members have not done so; for [by] protest, September, 1638, they protest that it shall be lafull to hold [an] Assembly, though the King shall deney it, or prorogate or dissolve it; they continow ther meetings at ther Tables, though discharged by authoritye; they refuse to subscribe the band for defence of the King; they presse all to subscribe a Covenant and band of mutwall defence against the Kinge: so they have forfeit the benefit of the Assemblye. Next, they have in ther protest, Sep-

A.D. 1638. tember twenty-second, 1638, declared archbishoppes and bishoppes to have no warrant for ther office in this kirke, no voice in Assemblies; contrarye to Parliament 15, Jac. VI., chapter 31, and actes of Assemblies, Edinburgh, December fifteenth, 1566, Edinburgh, March sixth, 1572, Edinburgh, May tenth, 1586, the Assembly's letter to the Regent, March sixth, 1573, and bishoppes', ther constant voicing in Assemblies, wherever they wer present. Next, they arrogate a supreme power to determine all doubtess and questiones that can aryse contrary to the freedome of the Assembly, whither in constitution and members, or in matters to be treated, or in the manner and order of proceeding; all which is contrarye to his Majestye's supremacye, in all causes, and over all persones.

Fifthly, Giving, but not graunting, that the present members wer capable to sitt as free from the former imputationes, and that presbyteries had power to commissionat them; yet they have lost the right so to doe, because they have deposed the moderators who wer elected by the bishops in synods, by the act of Assembly, Glasgow, 1610, and Parliament, 1612. Thus thes meetings are not lafull presbyteries, having disclaimed the authoritye of bishoppes, and deposed ther lafull moderators, consequently they doe want power to send commissioners, or nominate any.

Sixthly, Ther is a nullitye in ther commissiones, because they have in choise of them, associated a laicke ruling elder out of evry paroshin; who, being of greatest authoritye in the boundes, probably may overule the electione, and may be mor in number then the ministers, of whom some may be absente, and others removed upon the liste, ther remaine but a few ministers to vote to ane electione: a practise contrary to the custome of the Christian worlde and of the churche, wher formerly laick elders wer only associate for discipline (not for electione of comissioners to Assemblies), and that as they called for them; ordained to be fewer in number then ministers, [as by] Assembly, St. Andrews, April twenty-fourth, 1582 (wher

N.B.

Mr. Andrew Melvill was moderator) [doeth appeare. Lyke as] they are out of use thes forty yeares past. [The act of] Assembly at Dundee, 1597, gives no warrant to lay elders to choose commissioners to Assemblies, which acte is the only acte that warrants the presbyteries to choose commissioners to Generall Assemblies. They have not sate nor voiced in elections in presbytres thes forty yeares past, nor upon any occasione else.

Seventhly, The present delegates to this Assembly have so behaved themselves, that [justlie] they may be thought unfitt to voice in any Assembly,

viz., *First*, By seditious and railing sermons and pamphlets against the King his authoritye, they have animated his subjects to rebellion, telling that supreme authoritye is originally in the collective body, and derivativly in the King; and suppletive in the collective body, in case of the King's negligence, and communicated to him from the community; cumulative but not privative; that in case of mal-administratiōe, it returnes to the collective body; *et Rex excidit jure suo*. *Second*, Some of them are either shismatickes against the settled order of the church and state; or have brocke ther oath, sworne to bishoppes at ther admittance; or are under church censure, in Irelande or in Scotland, or under cittance befor ther bishoppes or ane Assembly, for suche faultes as deserve deprivatione; *exempli gratia*, for railing against the King in ther pulpitts, deserving deprivation by Assembly, at Edinburgh, May twenty-second, 1590; for reproving the King's lawes, contrary to Perth Assembly, May first, 1596. *Third*, Naming men in pulpitts, or descrying them lyvly, as to be knowne; contrare to that same Assembly. *Fourth*, Using applications in ther sermons not tending to aedification; contrar to that same Assembly. *Fifth*, Keeping conventions not allowed by authoritye; contrare to the same Assembly. *Sixth*, Receiving other ministers' flockes to ther communion; contrare to Assembly and Parliament. *Seventh*, Intruding themselves into other men's pulpitts. *Eighth*, Usurping authoritye to convene, censure, and depryve ministers. *Ninth*, Pressing the people for to subscribe a Covenant not allowed by authoritye; besyde many personalle faultes which charitye forbiddes to be named. Therfor they are unmeet to sitt in a free lafull Assembly.

Eighthlye, It is unagreable with reasone, Scripture, and practise of the Christiane church, that laye men should have decisive voices in Generall Assemblies. [That act of] Assembly at Dundee, 1597, warrants it not to them. Ther presence and assistance is to be approved, if authorised by the Prince. The King's presence, or his delegates', is necessarye, to see peace, decency, and order, in all thinges; and to deliberat and determine, in the first place, or to have a cheefe hande therein. Intelligent men may be present and remonstrate ther opinions; but it is usurpation in a layman not delegate by supreme authoritye to seeke a determining voice, and an intrusion upon the pastorall charge. It may be said to the Lord Commissioner, as in the Council of Chalcedon, *Mitte foras superfluos*. A pious Prince will saye, with Theodosius the younger, *Illegitimum est, eum qui non sit in ordine Sanctissimorum Episcoporum, Ecclesiasticis immisceri tractatibus*. And Pulcheria, the Emperesse, commanded Strategus, *Vt Clerici, Monachi,*

A. D. 1638. *& Laici, vi repellerentur, exceptis paucis illis quos Episcopi secum duxerunt.*
 Hence Martinus in the Councell of Chalcedon saide, *Non esse suum, sed Episcoporum tantum subscribere.*

Ninthly, Judges suspected for pairty, are to be declyned, if it be apparent that they have praejudged. Hence the Reformers protested against the Councell of Trent, because Pope Leo Tenth had praecondemned Luther, in *Bulla*, Junii eighth, 1520, renewd by Paul Third, August, 1535. Therfor Athanasius refoosed his appearance at some Councells; so did Hosius of Corduba, and Maximus Patriarch of Constantinople. But the members of this Assembly, for the most pairt at least, have praecondemned episcopall government; have suspended (if not condemned) obedience to the fyve articles of Pearthe, and actes of Parliament; have sworne to stande to all, and approven ther Covenant as most necessarye; as ther severall papers and bookes and protestationes will prove: therfor, *etc.*

Tenthly, It is neither agreeable with law nor reason that a declared pairtye should be judge. But the greatest pairt of the members of the present meeting are such; as appeares by declyning the bishopps to bee ther judges; by venting calumneys and reproaches against them, by worde and wrytte; invading ther persones; combyning against them, by oathes; keeping fastes to that pourpose, in ther owne and other men's churches; forcing men to subscribe ther covenant; suspending or deposing ministers, not admitting either ther declinaters or appeales, this way for to disable them to be commissioners of the churche; directly or indirectly causing keepe backe ther steependes. [They] have, under pretext of a citation to ther pretended Assembly, putt out an infamouse scurrilouse lybell against the bishopps, full of lyes; and have, to that pourpose, givne out from the Tables the order prescrybed, and subsequent articles, viz.:—*First*, That evry presbytry, wher bishopps resides, shall have a speciall care of a bill of complainte against him. *Second*, That some noblemen or others adhere to the bill and accusation against the bishopps, but they must not bee members of the Assembly; they are to present the bill to the presbytrye. *Third*, To fill upp the bill with the bishopp his particular faultes and breach of Assemblie; or, if that be not done for want of tyme, at least to trye out all that they can, and bring the information to the Assembly, wher the bill shall be filled up. *Fourth*, If the complaint be important, presbytries to referr them to the Generall Assembly. *Fifth*, And, upon the reference therof, the presbytrye to citte the complainers, *apud acta*, to compeir befor the Assembly, and persue ther bille. *Sixth*, The presbytrye shall ordaine all

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ministers of ther presbytry, out of ther pulpitts, publickly, on a Lorde's day, to reade the complainte and reference of the presbytrye to the Assembly; and to citte the bishop of the diocesse and all his colleagues to be present at the Assemblie; as also all others who have interest in persuing or referring the lybell to the Assembly. *Seventh*, To registrate the whole tenour of the complainte in the presbytrye bookes; to cause delyver, by ther ordinary beadel, a cobby therof to the bishopp, or, in his absence, to affixe a cobby of it upon his dwelling place and cathedrall church, its most patent doore. *Eighth*, The complainers are to keepe correspondence with thes who can best verifie the bishopp's delinquencies, and who had particular articles to gather [of] the same. *Ninth*, Some of the complainers, in ther owne name, and with warrant from the rest, are to waite on the Assembly, with articles of accusation, and the proof therof. *Tenth*, In caise the presbytrye wher the bishop dwells refoose to cyte him; then the gentlemen are to reqwyre the presbytrye, under forme of instrument, for to citte the bishopp; and affixe the instrument and protestation of the presbytrye's refusall upon the bishopp's dwelling house, or cathedrale or pryne presbyteriall churche; or to deale with some other better disposed presbytrye within the province to citte the bishopp, and referre him to the Assembly. *Eleventh*, The subsumptione of evry particular heade of the bill is against the bishop citted, and his colleagues, in caise any one bishopp to be citted be not founde guilty of all; and it is so to be understoode. *Twelfth*, Scandalouse ministers complained upon to the presbytrye are to be judged or referred to the Assembly.

Acording to which articles, lybells wer reade in churches, upon Sunday, October twenty-eighth, in Edinburgh, though the Commissioner forbade it; which act was also reiterated in other churches of the kingdome, though, *First*, Against charitye, which neither tackes upp ill reportes, nor backbytes none, nor wryttes bookes against them. *Second*, Against the apostles' rule, to entreate elders as fathers; and eighth parliament, Jac. VI. *Third*, Against lawfull proceeding, specialle [that prescrybed by act of] Assembly, Perth, *Martii* first, 1596; which commandes lybells to containe speciall causes, and no man to be citted *super inquirendis*; as also, the Assembly of Saint Andrew's, April twenty-fourth, 1582, enacting no processes to be graunted against ministers, without forty days' warning within, and sixty without the kyngdome, and that after two cittationes. *Fourth*, Against common aequitye, to be referred by thiose befor whom they wer not holdne to compeare, and befor whom they were not citted to compeer, though they

A. D. 1638. had been holdne to ansuer them *de jure*; a thing odious to insert thes lybells in presbytrye bookes; and absurde to citte them in places wher they had nothing to doe. *Fifth*, Against all decencye, thus to abuse men of place and respect, some of them being the King's counsellors, and known to be blameless, and to have deserved weell of church and state. *Lastly*, They charge ther accusers, as they will ansuer it at the great and dreadfull tribunall of God, whither or not they know them not to be free of the crymes ther lybelld against them, or if they do not accuse them contrarye to ther consciences, and out of mere malice, besydes the informalitye of ther cittance. Therefor they attest the heaven and the earth if it be not a barbarouse and violent persecutiōe, all circumstances being considered.

[*Eleventhly*,] The most pairt of thes men could not expect but that in an lauffull Assemblye they wer to be called and censured for ther enorme transgressions forsaide; and will any man thinke that they ought to be judges in ther owne cause? The canon law sayes that the Pope, if he be at variance with any man, should choose arbitrators, and not bee his own judge; wherein they are worse than hee. Ludovic Bavarus, and the estates of Germany did pleade a nullity against John XXII. his sentence, and of his counsell. And the Archbishopp of Cullen, *anno* 1546, did pleade the nullitye of Paule III., his Bulle of excommunicatione, because he protested, in the first generall counsell, he would impleade the Pope, as censurable in many thinges.

Ther late protestatione shewes, that they are no lesse injuriouse to other men's places then overweening of ther owne. For it is againste reason, and the practise of the church, in all tymes, that archbishops and bishopps can have no voice in Generall Assemblyes, without comission from presbytries.

Twelfthly, A president of an Assembly, not elected but by the pluralitie of presbyters and laymen, and himself neither archbishopp nor bishopp, impleys a nullitye in the Assemblye. For primats ought to preside by the canons of the church, 1 *Conc. Nicen. can.* 6.; *Conc. Antioch. can.* 9.; *Novell. Constitut.* 123. *cap.* 10; and by the Scottishe law: [For they wer] reponed to that, [by] parliament, 1606 and 1609, from which they wer restrained, *anno* 1592. Nor can the acte 1592 debarre the bishopps, who have receaved ther power from Chryste, to oversee and preseed, which is intrinsecally inherent in them, *qua* bishopps; as chancellours, *qua* tales, have place in counsell and session, and not by statute. And it is [as] agreable that out of moderators of synods (which bishopps are) a moderator to the Generall Assembly should be chossne, as it is that moderators to inferiour church judi-

catoryes should be chossne out of the inferiour clergie. As for the Generall Assembly, 1580, which decryd bishoppes as unwarrantable, the tymes wer corruptt, and *posteriora derogant prioribus*; for not full six yeares after-wardes an Assemblie at Edinburgh declared the contrarye. A. D. 1638.

As for the acte at Montrosse, thes who wer admitted by that commision, wer to ansuer for it. For ther oune electione, they shew it is by ther chapters, and consecratione of bishoppes, *etc.*, acording to old church canons. They doe homage to the King for ther temporalities, and acknowledge him to be *solo Deo minorem*. They have reasone to saye, with Cyprian, *Lib. 3, ep. 14*, “ *Quod non periculum metuere debemus de offensâ Domini, quando aliqui de Presbyteris, nec Evangelii, nec loci sui memores, sed neque futurum Dei iudicium, neque praepositum sibi Episcopum cogitantes, quod nunquam omnino sub antecessoribus factum est, cum contumelia et contemptu prae-positi totum sibi vendicent,*” *etc.*

Thirteenthly, It is absurde for bishoppes to be judged by presbyters, and contrare to the churche practise and canons; worse yet, that they should be judged by a mixed multitude of presbyters and laickes, conveyeing without lafull churche authoritye. Bishops' judges are to be seene by *Concil. Calced. can. 9*; *Concil. Milevit. can. 22*; *Conc. Carthug. 2, can. 10*. Yet that they did not declyne all due tryalle of ther lyves and doctrine, in a lafull and right called and constitute Generall Assembly: only they affirme that it is against order, deceney, and Scripture, to be judged by presbyters and laickes, who want authoritye from the supreme magistrate.

For which reasones, and many other, leest they betray the church, its right, by ther silence, the King's authority and ther consciences, They, for themselves, and in name of others, proteste That this Assembly, in all thinges president to it, acted by it or following therupon, be null, both by all law, divyne and humane, and not praejudiciall to them, or any other. They protest that whatever the Assembly shall discuss, praejudiciall to actes of Assembly and Parliament, and practised, that ther sentence and acte shall not redownde to the disgrace or disadvantage of the reformed relligione, nor be holdne the deede of the Church of Scottlande. They protest that they all hold the relligione profest in Scotland, ratifyd in Parliament 1567, and detest contrarye errors. And [they protest] that episcopall government is lafull and necessarye; and impugned by the devill's craft, who envyes the successe of it thes many yeares past in this church, *etc.* And they protest that they are so willing to live at peace with all men, howbeit they have persecuted

A. D. 1638. them unjustlye, that they are contented to lay downe ther bishopricks at the Kinge's feete, and (so that ther innocence might be cleered first) for to sacrifice ther lyves for peace and truthe.

They protest that it is not out of feare, or to declyne any just tryall, that they give in this declinatour, not being consciouse to themselves of all that is laide upon them; but, on the contrarye, each of them for himself, willing to undergoe tryall in a free and lafull Assembly; which they humbly desyre the Commissioner to intercede with the King to indict, wher all who are faultye may ansuer and be censured.

They protest that by thes, all and evry one of them declyns this Assembly, and that Dr. Robert Hamiltoune, minister at Glassfoorde, by reasone of ther lafull absence, may be admitted ther procurator, and to doe all thinges necessaire in such cases for them.

In witnesse wherof, they declare, as they wer ready with ther blood, so with ther handes they doe subscribye ther protestatione, at Halyroodhouse, New Castell, and Glasgow, the sixteenth, seventeenth, and twentieth dayes of November, 1638. *Sic subscribitur, Jo. Sti. Andreae Arch.; Pa. Glasgowe.; Da. Edinburgen.; Tho. Gallovidien.; Jo. Rossen.; Walterus Brechinen.*

Dr. Spang's account of the Declinator censured; Protestations against the lawfulness of the Assembly read.

XVI. I have givne the accompt of this declinatour the mor particularly, because that Mr. William Spange,* minister at Camveer, saide to be the author of the *Historia Motuum Scotiae*, or whoever else be author therof, deales with this declinator, as with other papers of this nature, in his manifesto or plea for the Covenanters, rather then true impartiall narratione. For, under pretext of giving his reader the contentes of it,⁽¹⁾ he omittes many materiall partes therof, with that self same ingenuitye that he both overleapes or pervertes or extenuates the most remarkable passages of the historye. But to go on in my discourse, and to leave him. After the reading of this protestatione, ther wer reade diverse protestationes at the Commissioner's instaince, from severall places, against the lafullnesse of the Assembly, both in regarde of the laye elders present in it, and ministers' commissioners in it, chosne by lay elders. Lest thes lay elders, say they, in

* N.B. Mr. William Spang is the author of that booke called "*Historia Motuum*," and had all his informationes sent unto him to Holland by Mr. Robert Bailly, minister at Kilwinning. Yet the same Mr. William Spang, when the bishopps domineerd, kept as great correspondence with Bishop Spottswood, and was a mignon of his; and howbeit he has wryttne favourably for the Covenanters, yet, at his being in Scotland, delayd to sett his hand therunto upon pretext of subscribing it in his oune church at Campveer; which is yet undone.

(1) [*Vide Hist. Motuum*, pp. 92—98.]

one of them, may bring upon this church and ministry a heavy yoke of overruling elders in all times coming, to the great hurt of the church; therfor they doe desyre that all commissioners chosne by laicke elders be removed, for causes already specifyd in the bishoppes' declinator, and so needlesse to be agane repeated.* The first of thiose was subscribed by a number of ministers; and withall they protest that all ther actes and conclusions past by such commissioners and laickes be null.

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When the protestatione of the Presbytrye of Glasgow beganne to be readde, Dr. Johne Strange, Principall of the Colledge, desyred the forbearance of the reading of it for a tyme; to which the moderator easily yeelded. But the Commissioner who delyvered it in with his owne handes, pressed the reading of it out; which the moderator refoosed, alledging that any man might withdraw his owne protestatione, much mor desyre the forbearance of the reading of it. To which the Commissioner replied, that the protestation was subscribed, not only by the hande of the Principalle, but by the *major* pairt of the ministrye of that presbytrye, of whom many wer Covenanters; that in all ther names it was presented unto him, and therefor could not be recalled by any one of them, without the consent of the reste; praying him that it might be readde out unto the ende. But that could not be obtained; for it was thought by many that the reasons why they wer so unwilling to have that protestatione readde was, because they thought it a kynde of affront to the reputation of the Assembly to have it protested against by the ministers of that place wher it was sitting: therfor they neither readde it, nor delyvered it backe agane. If this wer the reall reasons or not, I doe not determine.†

XVII. After the reading of all thes papers, the moderator caused reade some extractes of citationes,⁽¹⁾ wherby it was proved that ruling elders ought

Extracts
proving that
Lay Elders
should have
place in As-
semblies;

* See Large Manifesto, *pag.* 265, 266, [267. Records of the Kirk, vol. i. pp. 115, 116.]

† When the protestatione of some ministers against ruling elders was reade, some ministers present saide ther wer some factiouse names added to it, and that ther [wer] no other ministers in Scotland of such names but themselves, who wer present, and therupon did take instrument. Ther was lyckwayes a letter of King James readde concerninge this pourpose. The Moderator lyckwayes reade the practise of the Church of Holland theranent. Mr. Zachary Boyd, present, declared the practise of the Church of Fraunce, wher he had preached fourteen yeares; giving them the practise of nineteen Assemblies in Fraunce, wherin ruling elders had votes. The Commissioner answered, that if they would forme the Church of Scotland according to anye forraigne kirke, it wer not needfull to goe so farr off, having one neerer home. Rothesse did answer, Neer by distaunce of place and grounde, but not by faithe and doctrine; at which the Commissioner smyled only.

(1) ["I think of Mr. David Calderwood's penning," says Baillie, *Letters*, vol. i. p. 111.]

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Glasgow protestation retracted; the Commissioner begins to think of dissolving the Assembly; resolves to do so in Council.

to have place and vote in Assemblies; but the night comming on, did putt a periode to that session of the Assembly. But the Commissioner, wondering why the Principall in publicke should have forbiddne the reading of his protestation in publicke, would needes know a reason for it; and founde, by averrement of diverse persones, of credite and good report, upon ther owne knowledge, that the night befor, late, at ten of the clocke at night, the Lord Lowdon and the moderator, with diverse others, ministers, Covenanters, had been with the Principall, and tolde him that the presbyteriall protestation of Glasgow wold macke a great divisione amongst them; that, unless he did withdraw it, he must never looke to live qwyettly in Glasgow, nor any wher in Scottlande; that the principall told them it was presented to the Comissioner, from whom it was not possible to recover it; that then, by the same threatnings, they adjured him to desyre the forbearaunce of the reading of it, if it should be tendered to the Assembly; that after they wer parted from him, his wyfe, all in teares, begged the lycke of him, affirming that the Lord Lindsey had been with her, and sworne to her that both he and his must be utterly ruined, if she could not prevaile with him for recalling that protestation: Wherupon Dr. Strange had pressed the no reading of it, as has been told alreadye. This and other passages, befor mentioned, made the Commissioner, and such of the lordes of the councell as really loved the Kinge, beginne for to despaire not only of all faire but of all formall proceedinge in the Assembly, wher they thought that humor and praejudice overuled: As, also, conceiving that ther wer such nullities against the Assembly as could not be easily answered in regard both of the members elected and the manner of ther electione; and, lyckewayes, seing that they had already declared themselves partye against the bishopps, whom they intended to proceede against, notwithstanding of ther declinator givne in upon relevaunte growndes; all thes thinges considdered, but much mor that the Commissioner had no warrant from the King to suffer them to proceede against the bishopps, but instructiones qwytt contrarye; and, withall, having been informed upon good growndes that this Assembly would not be a meanes to settlement, they being resolved, as he was informed, for to chuse certaine comittees who, under the name of the Commissioners from the Generall Assembly, should keep up ther Tables and be chossne and continowd from one Assembly to ane other, to the overthrow (as it was judged) of royall authoritye and the authoritye of councell and session, beganne (by the perswasione of the councell and for thes reasones, not fynd-

ing how to ansuer his truste to the Kinge,) for to resolve the next daye, in the Kinge's name and authoritye, to dissolve that Assemblye.⁽¹⁾ And it was thought that it was not so muche of his oune inclinatione so to doe, as by the King's speciall commandement sent from court at that time; which was true, but if the Bishop of Rosse wer bearer of that letter to him, as some spocke, it is uncertaine.

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Therfor, according to this resolutione, the Commissioner the next daye, being Wednesdays, November twenty-eighth, went betymes in the morning to the church, and the councell (having warning over night) mett him in the chapter house, wher they sate in consultatione befor they went to the Assemblye: He did then imparte to them the resolutione he had to dissolve the Assemblye, and did aske ther advyce for ther manner of doing it: after hearing of eache of ther advyces severally, he was confirmed in his resolutione. The reasone why the Commissioner did hold the councell in that place and tyme was, because some of the councell who wer present should have no tyme to communicate his resolutione to the Covenanters, nor to consult with them about the hindering of it; the Assembly being fully sett before the Commissioner came out, so that what had passed ther could not be communicated to them.⁽²⁾ But such as did looke further then the outsyde of actiones, thought that the Commissioner needed not to have risne so early, being that the members of the Assembly knew what was resolved upon, and wer themselves resolved what to doe befor the Commissioner did goe to bedd the nighte befor: for it's weall known that all the Kinge's designes and councells wer revealed to the Covenanters during the whole tyme of thes transactiones and long afterwarde.

November 28.
Wednesdays.
Sessio 7a.

XVIII. The first thing that was proposed that day to the Assembly was the reference made the daye befor concerning the Assemblye's judgement to be givne of the authoritye of the bookes and manuscript registers of the Assembly, which the clerke had discovered and presented, which contained the actes of severall Assemblyes from the beginning of the Reformatione to the yeare 1590. Such as wer of the comittye for tryall therof gave in nynteen reasones in wrytte, proving them to be authenticke registers; which reasons, with ther declaratione, wer much to this pourpose following.* First, They enumerate the severall volumes; first, a register beginning at the Assembly holdne December twentyeth, 1560. and ending at the fourth ses-

Registers
reported au-
thenticke by
the Commit-
tee:

(1) [See the King's Large Declaration, pp. 268, 269.]

(2) [*Ibid.* pp. 269, 270.]

* See Actes of Ass. of Glasg., p. 2, *et seqq.* [Rec. of the Kirk, vol. i., p. 22—24.]

- A. D. 1638. sion of the Assembly holdne December twenty-eighth, 1566. The second register beginnes at the Assembly holdne June second, 1567, and endes session fourth of the Assembly holdne at Perth, August ninth, 1572: ane imperfeit mutilate register in the ende, containing neither leafe nor page after that page which does containe the inscripcone of the fourth session forsaid: Thes two registers beare to be subscribde by Johne Gray, scribe. The third register beginnes at the Assembly holdne at Edinburgh, August seventh, 1574, and endes with the twelfth and last session of the Assembly 1579. The fourth volume did beginne at the Assembly holdne at Edinburgh, May tenth, 1586, and endes at the seventeenth session of the Assembly holdne in Marche, 1589. The fifth and last booke, and greatest volume, beginning at the Assembly holdn *anno* 1560, and ending in the yeare 1590. All thes five registers they doe attest befor God and upon ther consciences to be authenticke, famouse, and good registers, and so to be reputed; which attestation they subscribe with all ther handes, and then they subjoyne the reasones, which are: *First*, The first two volumes are subscribde by Johne Gray, who does designe himself clerke, and is proved to be clerke by an acte mentioned in the third booke, when Mr. James Richy who succeeded him was clerke: his handwrytting was acknowledged by dyverse old ministers: *Second*, The uniformitye of Johne Graye's subscriptione, through both volumes, putts it out of questione: *Third*, Coppies extant of generall actes are founde agreable to thes registers: *Fourth*, Thes bookes wer transmitted from one clerke to another, his immediate successor; from Johne Graye to Mr. James Richye, and Mr. Thomas Nicolsone, into the handes of Mr. Robert Winerhame, depute constitute by Mr. Thomas Nicolsone (as his deputation to be seene will prove), and from Mr. Robert Winrame to Alexander Blaire, who succeeded him in his place, and was Mr. Robert his servaunte, which Alexander Blaire, present in the Assembly, is readye for to testifie: *Fifth*, Mr. James Richie's two registers are frequently margind with his owne hande, and the marginalls subscribde by him; and thes subscriptiones are founde to be his, being compared with others extant: *Sixth*, Thes registers are lesse vitiated and scored or interlyned then anye registers in the kyngdome: *Seventh*, One of the volumes produced by Mr. Thomas Sandilands proves Mr. James Richye's two volumes to be authenticke; for it is begunne with the same hande that Mr. James Richye's are wryttne with, and is subscribed once in the margent by Mr. James Richye's hand: *Eighth*, So

that Mr. Thomas Sandilands' volume proves Mr. James Ritchye's ; and that of Mr. James Richy proves Johne Graye's register ; specially considering the progresse that they are come by to the handes of Alexander Blair, now living, and present in the Assembly : *Ninth*, The comptes anent the thirdes of the benefices, in the second volume, *pag.* 147, is subscriybed by the Lord Regent his owne hande ; and it is a royall lycke subscriptione, and beares not a *sic subscribitur*, as coppies doe : *Tenth*, Mr. James Carmichaell, who was commanded to extract the generall actes of the Assemblies, *anno* 1595, session ninth, in Mr. Thomas Sandilands his register, has marked the generall actes with a crosse, and sett by them an short expresione with his owne hand wrytte, which is knowne to be his hand by many living ; as also by his band and subscriptione, wryttne with his owne hand in the last leafe of the saides bookes and acknowledged in the said Mr. Thomas Sandilands his register, wherin he graunts the receipt of thes with some other bookes of Assemblies : *Eleventh*, The Assembly, *anno* 1586, complaineth that ther registers are mutilate, which is trwe in Richie's third booke, which is lacerate and mutilate in diverse places : *Twelfth*, The enemyes of the truth have laboured to destroye them, battering some peecees of paper upon the margents, and blotting out the certificat of Bishop Adamson his excommunicatione, booke fourth, *pag.* 30 : but this they would never have done if they had not been the principall registers : *Thirteenth*, In the Assembly 1586, there is a complainte that the chancellor retaines ther registers, and then ther is a note of the redeliverye therof to Mr. James Richye befor the begining of the first booke : *Fourteenth*, The fifth volume is marked with Mr. James Carmichall's hande upon the margent lyckwayes : *Fifteenth*, The fifth volume agreeth with the other four, and markes the blankes that are torne out of them : *Sixteenth*, in the Booke of Discipline, pertaining to Mr. James Carmichaell, subscriybed by himselfe and Mr. James Richye, ther are sundrye actes qwotted out of the said fifth volume, *lib. et pag.* which agrees with the said fyft booke : *Seventeenth*, It was never heard of that any did counterfitt a whole register : *Eighteenth*, No registers are wryttne all with the clerke's handes, but use all to be filled upp by servauntes handes : *Nineteenth*, The credite of registers are such that all extractes are corected accordinge to them, though the principall registers be wryttne with obscure and unknowne handes.

XIX. Thes reasones being publickly readde, the moderator desyred that if any of the Assembly had anything to saye, they would now declare it,

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Approved by
the Assem-
bly.

- A. D. 1638. otherwayes they would be approvne by the Assembye. The Comissioner did pray them not to be suddaine in the passing of ther acte, in a bussinesse of so greate importance; and shewed that nothing, if it wer doubtfull, could be made a public recorde of any judicatory, so as to obleidge the Kinge's subjectes, unlesse the Kinge first, by his advocate, and learned counsell, wer satisfed of the authentick authoritye of that recorde; and therfor wished them to staye till that course wer tackne, and befor that tyme, not to putt it to voice. The Comissioner did enter into the Clerke of the Register's handes, a solemne protestatione against the validitye of thes recordes, and against any of the subjectes of the kyngdome, ther being obleidged unto them, untill such tyme as they should be perused and allowed by such as the Kinge authorise by commission for that pourpose; and that the Assembye's approbatione of them as authentick registers be in no way praejudiciall to the King's Majestye, nor to the archbishops and bishops of this kyngdome, or any other of ther adherents, for the reasones above specifyd, and such other reasones as he had against them. The Earle of Rothesse, one of the ruling elders from the province of Fyfe, desyred that thes reasones might be presently condescended upon, and they should be presently cleared; protesting, withall, that thes bookes should be esteemed authentick and obligatory heerafter. Therafter, the whole Assembly, in one voice, approved thes bookes, and ordained the same to macke faithe in judgement, and out-with, in all tyme comming, as the true and authentick registers of the Kirke of Scottlande, conform to the testimoney subscriybed by the committye, to be insert, with the reasones therof, in the bookes of the Assembye: which reasones are already sett downe above. Thes of the Assembly esteemed the recovery of the registers to be a great providence, after they had been fifty yeares amissing; and so long a concealment they imputed to the bishops, who, they said, by might and maine, strove to suppress the notice and forme of the governement of the Church of Scotland, as it was ordered from the beginning. And it is affirmed that, besyde the reasones mentioned, the Comissioner's jealousye flowed in part from ther refusall to lett him see ther registers, whilst he was at Halyroodhouse, and ther inhibitinge the former clerke of the Assembly to suffer the Comissioner for to peruse them at all; which (if all wer fair that was contained ther) he thought they had no reason to refoose to him. And ther do not want to this day severall who thinke straunge of that approbatione of thes registers. For, first, it's saide they wer confessed to be coppies; next, they

are acknowledged to be mutilate and spoyld, rather lycke minutes then a just register. And then it was thought a diligence mor then ordinarye, that the comitty should peruse five volumes in two or three dayes, which evry one thought would have tackne a longer tyme to turne them over, except it wer made worke; and that the comitty, or somebody for them, did peruse them long befor the Assembly gave ther warrant for that ende; and then, which savoured most of an implicite faithe, that all the members of the Assembly, *nemine contradicente*, should vote thes bookes authenticke; albeit few or none of them had looked upon them, or knew what they contained, but only the thirteen of the comitty appoynted for tryall of thes bookes.

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XX. Then the moderator desyred the clerke to reade certaine answers which, upon the soddaine, had been drawne upp (as he saide) by certaine bretheren, to the reasones contained in the bishopps' declinator, which had been reade the daye befor. Thes reasones related mostly to the Discipline Bookes of Scottland, the which does allow laye (or ruling) elders; and from thes testimoneyes concluded the exception of bishopps against ruling elders, and ministers commissioners, chossne by them, for having voice in the Assembly, to be invalide. But some thought not the argument concluding, that, because ruling elders had sittne in sessiones and presbytrys, that therfor they ought to have a vote in choosing ministers commissioners to the Generall Assembly; or that, therfor, they have now a vote in it. Then the moderator caused another paper to be readd in defence of ruling elders; and, lastly, for to lett it be seen of what accompt the Bookes of Discipline wer, which wer so oftne citted in both thes papers, the moderator desyred the whole Assemblye to heare himselfe reade a long Latine testimoney, givne in the Syntagma of the Confessiones of the Reformed Churches, to the purtye of the discipline of the Church of Scottlande. The Commissioner called for the booke, and desyred to see what he had readde; and found it to be a private testimoney of one unknowne, inserted by the printer or setter out of that Syntagma. Some wer ill satisfeed that the passage out of Syntagma was not eneuch regarded by the Commissioner and others present; but then it had been reasone that such as crye upp that testimoney should make the author knowne who wrytte it, which was not then done, nor afterwarde.

Answers to
the Bishops'
Declinator,
particularly
relating to
Ruling El-
ders.

XXI. Then they beganne to agitate and waighe the reasones contained in the bishopps' declinator, whether or not they wer relevant eneuch for to cast the Assembly from being ther judges. Thes reasones they reduced

Assembly
parties.

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* The author of the *Historye of the Troubles* [*Historia Motuum*, p. 100] tells us that Dr. Balcanquell went ther in name of the Church of Scotland, but without any commission from the Church. If so be that the Church of Scotland did not homologate his going to Dort to that Synod, and by him did condemne Arminianisme, it will be hard to prove that

been a member of that Councell), having beene present during the tyme that the Assembly of Glasgow had sittne, and still had been neer by the King's Comissioner, asked first leave of the Commissioner's Grace, and then of the moderatour, for to speacke, which being graunted him by bothe, he answered the moderator's answer to the bishops ther objectione thus: That the bishopps exceptione against them of the Assembly, as *pars adversa*, differed from that of the Remonstrants against the Synod of Dort, two wayes: First, in regard of the matter of it: For the Synode, consisting of divynes, and the matters controverted being poyntes of divinitye (and by some men thought to be fundamentall poyntes of faithe, though they wer not so), in which scollars use not to be newtrall, it was impossible for the Remonstrants to fynde divynes to be ther judges, if they would except against such divynes as had declared themselves to be of the one opinion or of the other: But it was not so with episcopacye, in the judgement of the members of this Assembly; for they could not hold the allowing nor the rejecting of episcopacye to be a poynte of doctrine, because poyntes of doctrine are not alterable; but the Church of Scotland, in her positive confessionne, article twenty-first, did hold church policye or government alterable at the wille of the church; which opinione, whether he did allow of or not, he was neither then nor ther to declare: but sure, in such poyntes which they themselves held alterable and indifferent, at the will of the church, being no poyntes of doctrine, ther was no necessitye of praedeclaring ther judgement against episcopall government, considdering it stood now in force by actes, both of Church and Parliament; and, therfor, that the declaratione of ther judgement against it (even since they intended to be judges of it, but befor they wer actually so) did barre them from being judges of it at all. But, secondly, and that upon whiche he principally insisted, was this: That the bishopps case in ther exceptione against this Assemblye, differed from that of the Remonstrants against the other Synode, in the manner of the members of that Synode's praedeclaratione, and of the members of this Assemblye's praedeclaration. Many of the members of that Synode had praedeclared themselves, by discoursing, wrytting, preaching, *etc.*, but not by any judicall

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they did legally depose any minister befor or at this tyme for Arminianisme (as they did), it not being condemned as ane heterodoxie by the Church of Scotland. For except by ther commissioners in the Councell of Dort ther can be no Assembly instanced, befor Glasgow, wher it was expressly condemned; but it seemes befor our author admitte the King's warrant unto Dr. Balcanquell, he will rather confesse that the deposition of the Arminian ministers was not legal nor canonicall.

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(1) [Baillie's Letters, vol. i. p. 114.]

* Hist. Motuum, p. 101.

not simply necessaire, which Anabaptistes and Donatistes only did thinke ; yet that it was necessaire for the integrity and perfection of a visible church, necessaire lyckeweyes to prove a church to be one, at least by an argument *a posteriori* ; and, *lastly*, that it was an helpe and ordinary meanes, without which salvation could not be so easily obtained ; and that Mr. Robert Montgomry, pretended Archbishop of Glasgow, for denyeing it to be necessair, as said is, was, therfor, *anno* 1582, greivously censured by the Church ; and that if all this could not prove it to be unchangable, at least the instance which passed in the Assembly, *anno* 1596, might cleare it ; for ther the questione being puttne, if ministers might move doubttes of the articles of discipline, concerning which the Scripture expresseth nothings affirmativly or negativly, it was answered by the Synod, that it was lauffull for the King, either by himself or his Commissioner, to propose his doubttes concerning the outward circumstances of discipline, so that it wer done to aedificatione and discreetly ; and then they did lett see that some thinges wer above all controversye in the followng wordes of ther ansuer : “ since the substance of the outward administration of the church is most fully sett downe in the Scriptures ;” that the controversye betuixt them and the bishopps was concerning that which the bishopps held to be fundamentall, they mantaning that the gouvernement of the church by bishopps was necessaire, so that in Dr. Balcanquell, his first instance of disparitye betuixt the Remonstrantes and bishops case, no dissimilitude was to be seene. This is added to the moderator’s ansuer ; albeit Dr. Balcanquell, who had a great hand in drawing upp the Great Declaratione (published by the King, and afterwards forbiddne by acte of Parliament), in his owne relatione of that dispute, tackes no notice of such an ansuer to have been fully givne to him at that tyme by the moderator ; whither out of partialitye to himself I determine it not. And it is reported that Mr. David Dalckeishe, minister at Couper of Fyfe, did seconde the moderator ; affirming that the bishopps, ther doctrine, was called in questione as being charged with Arminianisme, in which they wer heterodoxe ; and which was more then that, he said that the bishopps wer questioned for mantaining many heterodox opinions, common with the Papistes ; upon which accompt it coulde not be denyed to be lyable to the Assembly’s judgement, to whom they wer ansuerable at least for ther doctrine, and so could not declyne the Assembly as judges, since, by Dr. Balcanquell’s aune judgement, the Popish errors would be holdne for fundamentall ; and that since the bishopps would be proved to have advaunced

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 clyne the judicatorye, seing *facinus quos inquinat æquat*. To the other
 disparitye instanced by Dr. Balcanquell, viz. : That by swearing and combyn-
 ing by a covenant against the bishopps, they had praejudiced and barred
 themselves from being judges, it was answered by Mr. David Dalgleish: First,
 albeit it wer graunted that the questione wer only concerning heades of dis-
 cipline, yet that it wer amisse that the commissioners of the Assembly should
 be debarred from voting concerning any controversy therabout, onely for that
 because they have already declared ther judgements therin; it being weall
 knowne that in former tymes Novatus and Donatus had beene censured by
 Councells in the poynte of shisme. But this ansuer was made by Mr. David
 Dalgleish upon a mistake, as, apprehending that Dr. Balcanquell had af-
 firmed that the Synod had only power to judge of poyntes of faith and
 doctrine, but not of government; and other matters which Dr. Balcanquell
 did not affirme. Then a ruling elder, who was a lord, apprehending that
 Dr. Balcanquell had saide something concerning rulinge elders, insinwating
 that they had givne ther voices in Councelles, beganne to lay hold on his
 discourse; Wherupon the doctor, not willing to lett that passe, asked licence
 to tell his lordshipp that he was mistackne, and that if the Commissioner
 and the Assemblye would give him licence, he would mantaine it against
 any man in the Assemblye, that neither the name nor thing of a lay elder
 was ever knowne to any generall or provincial Councell; nay, and not to
 any particular church in the whole Christian world, befor Calvins dayes :
 so sayes his owne relatione, Large Declaration, pag. 275. To this the
 moderator replied (although he gave none to the second instance itself, but
 only affirmed that ther needed not many wordes, seing that any who would,
 without partialitye, compare the Remonstrants and the bishops, ther case,
 would fynde no dissimilitude), and said that it would be thought a straunge
 thinge in Englande, if any of this Assembly should stande upp in the Con-
 vocatione house, and speacke against the church government. To
 which was answered by Dr. Balcanquell, That he neither did speacke, nor
 would have spokne ther without leave asked and obtained; nor would
 he have asked leave, if it had not beene to have cleared a passage of the
 Synod of Dort urged by the moderator, and in which he himself was inter-
 rested. Then the moderator replied, That the doctor's father, whilst he
 lived, was of another opinione. To which the doctor answered, That that was
 a weacke reasone, for ther wer some members of the Assembly ther sittinge,

whoise fathers had been papistes; and That he did much wonder that the moderator should thinke it strange for him to differ from his father, in his judgement of thes poynts of ecclesiasticall government; for he did not apprehende it so greate a matter for any man to differ from his father in his judgement, as to differ from himselfe: and he was sure that the moderator knew weall eneuche that many members of the Assemblye who wer now feircest against episcopall government, within these few yeares, had been as earnest maintainers of it as any, and mor ambitiouise and earnest suitors for bishoprickes then any other. The moderator at last cutt off all further contestatione about thes ruling elders, by affirming that the state of the questione (as it stode befor them) was not whether the ruling elders had ever been receaved in other churches, but whether ther office and place in the Assembly was agreeable with the constitutiones of the Church of Scottlande; and so no mor was spoke of it; for that could not be denyed but that such a thing had been once practised in that church.

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XXII. Therafter, from that speeche, which was made by Doctor Balcanquell, for justifying the bishoppes' exceptione against the competencye of ther judges, *viz.* the Assembly, because the members therof had declared themselves pairtye, the moderator tooke occasione to say thus to the Assembly: Since we see both the competencye and constitutione of this judicatorye and Assembly is openly impugned and declyned by the bishoppes, it is high tyme to cleare this poynte, and the voices of all present to [be] interrogated, Whether or not this Assembly, notwithstanding of the protestatione and declinator givne in, be not the lafull and competent judge of the lybell against the bishoppes? and therfor I will put it to the voices; for this matter can not come befor no other judge, by reference nor appellatione, since the supreme power of determining all ecclesiasticall controversys in any church resideth in the national Synode therof.

Moderator
proposes to
vote the As-
sembly com-
petent Judges
of the
Bishops.

XXIII. Heerat, the King's Commissioner stept in, and tooke occasione to doe and declare that which, by the King's speciall commandement (sent to him, as is affirmed, after the Assembly had sittne downe), he behoved to resolve upon; for presently he made a speeche, gravely and discreetly, to the followng pourpose: I should perhaps have continiwd a little longer with yow, if yow had not fallne upon a poynte which does inforce my deserting yow: Yow are now about to settle the lafullnesse of this judicatorye, and the competencye therof against the bishoppes, whom yow have cytted hither; neither of which I can allow, if I shall discharge either my dutye

The King's
declaration
to the As-
sembly dis-
charging the
Service
Book, *etc.*,
is read and
ordered to be
registered in
their records.

- A. D. 1638. ————— towards God, or loyaltye towards my gratiouse and just maister. This is a daye to me both of gladnesse and sadnesse; gladnesse in that I have bothe seene this Assembly meete, which his Majestye's subjectes have been made beleive, was never intended by him, and in that I shall now, in his Majestye's name, macke good unto yow all, his most gratiouse offers in his last royall proclamatione, which, lyckwayes, his Majestye's subjectes wer made beleieve would never be performed by him : of saddnesse, in that yow, who have called so much for a free Generall Assemblye, having one most free in his Majestye's intentions graunted yow, have so handled and marred the matter, that ther is not the least shaddow of freedome to be discerned in this your meetinge: For the former, which is the discharge and performance of your Sovereigne's gratiouse promises, lett this paper which I deliver to the clerke to be readde, wittnesse it to yow all, which I am sure yow cannot choose, but receave with all thankfullnesse and dutifull acknowledgment of his Majestye's piety, goodnesse, and clemencye, unlesse all relligione and goodnesse be qwytt banished out of this launde. Heer the clerke publickly readde the paper, the summe wherof was that same in substance almost with the King's concessionnes, by his proclamatione in September, *viz.*, *first*, That the King discharged Service Booke and Booke of Canons, and the practise of them, or either of them, and annulleth and rescindeth all actes of Councell, proclamationes, and all other actes and deedes whatsomever, that have been made and published for establishing them, or either of them; declaring them all null in all tyme comming. *Second*, He discharges the High Comissionne, and all actes and deedes made for establishing therof. *Third* He dischargeth the five Articles of Pearthe, ther practise, or that any be urged therwith, and none to be lyable to censures ecclesiasticke or secular, for not urging or practising, or obeying them; and is content that the present Assembly tacke the same so farr into ther present consideratione, as to represent it to the next Parliament, ther to be ratifyd as the Estates shall fynde fitting. *Fourth*, He is content that no oath shall be requyred from any intrant minister, then that which is sett downe in the acte of Parliament. *Fifth*, He is content that Generall Assemblyes shall be keeped so oftne as the affaires of the church shall requyre. *Sixth*, His Majesty is content that the present bishopps and ther successors shall be ansuerable and censurable, acording to ther meritts, by the Generall Assemblye. *Seventh*, And to testifie his realtye and good intentions towards relligione, he is content, and requyreth and commandeth all his good

subjectes for to subscribe the Confessione of Faithe and Bande for Maintenance therof, and of his Majestye's person and authoritye, formerly signed by his father, *anno* 1580 ; and now he reqwyreth all present in the Assembly presently conveend to signe the same ; and reqwyres that it may be insert and registred in the bookes of Assembly, as a testimoney to posteritye, not only of the sinceritye of his intentiones to the true relligione, but also of his resolutione to mantane and defende the same, and his subjectes in the professione therof. *Subscribitur*, Hamiltoun.

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XXIV. After the reading of the paper, the Comissioner went on, and added : I have, yow see, subscribed that paper with myne owne hande : and to macke his Majestye's relligione, grace, goodnesse, and the zeale which he hath to settle the peace of this church and kyngdome, knowne to all succeeding generationes, I doe reqwyre that it bee entred into your ordinary bookes of Assembly ; but with this provisione, That this my assent to the-acte of registrating his Majesty's declaratione shall be no approbatione of the lafullnesse of this Assemblye, or of any other acte made or to be made in it ; but that all other protestationes made or to be made against this Assemblye in all other actes and proceedings therof shall stand in full force and effecte : And of the delyvery of this paper, containing his Majestyes gratiouse offers, into the handes of the clerke of the Assemblye, I tacked publicke instrumentes into the handes of the clerke of our Soverainge Lorde's register, and reqwyre him to macke ane acte therof. Which being done, the moderator, in a short speeche, acknowledged the King's speciall goodnesse in graunting the particulars contained in the paper, and shewed how great thanks the Church owed to the Kinge, and promised that it should be registred in the bookes of the Assemblye (which was accordingly done that daye*), and desyred to goe on with the bussinesse of the Assembly.

The Com-
missioner
dissolves the
Assembly.

But then the Comissioner told them he must goe on with them no mor ; for now the sadd pairt was behynde, *viz.* That since they hade brought laye-elders to give voices in this Assembly, a thing not practised befor, or at least disused so longe that no man present had seene it ; the ministers sitting heer as comissioners wer chossne by laye elders, a thing never hearde of befor in this Church ; all the persones having voices heer wer, befor the electiones, designed by the Tables at Edinburgh ; all others by ther expresse directiones barrd ; the few comissioners sent hither, but not chossne

* See Index of unprinted actes of Glasg. Ass. [Rec. of the Kirk, vol. i. p. 46.]

A. D. 1638. — according to ther designatione, wer, by ther cavills made for that pourpose, sett asyde and not admitted to have voices; the bishopps cytted hither wer to be judged by the very same persones who have praejudged and condemned them at ther Tables: He attested heaven and earthe whither this coulde bee imagined to be any way a free Assemblye, and, therfor, called God to wittnesse that they themselves wer the cause, and the onlye cause, why this Assembly could not have that happie issue which the King did heartilye wishe it to have, and why the bishopps could receive no censure from them in regarde of thes ther sinister proceedinges: for how could any man expect justice from them who had deneyd it the Kinge, in refoosing voices to the Kinge's Comissioner's assessors, which was never deneyed to his father when he called farr mor assessors then the King now did? This and mor to this pourpose did the Comissioner speacke, not without sighes and teares* on his cheekes, as some affirme. Upon all whiche he commanded and requyred them not to proceede further in this Assemblye, and declared that whatever they should say or doe heerafter in it, he, in the Kinge's name, protested against it, and that it should never obleidge any of the subjectes, nor be reputed for an acte of Generall Assembly.

Moderator's
reply.

XXV. The moderator (with a speeche⁽¹⁾ which some thought praemeditated and in readinesse when ever the Assembly should be dissolved) seemed much to deplore the Comissioner's resolutione for breacking upp the Assemblye. In that speeche he attributed very much to the King his power in ecclesiasticall causes and Assemblyes; and said many thinges of his power; and, towards the ende of his speeche, he affirmed That the King was Universall Bishopp over all the three kyngdomes: whairby it is reported that he gave great satisfactione to the Comissioner and such of the Councell as wer present, and did contradicte many of thes tenets that the presbyterians have since published on that subjecte, and mor then all the members of the Assembly would have subscribed. And it seemes that he spoke advantageously for the King's power; for the Comissioner made meanes to gett a copy of his speeche as longe as it was fresh in memorye. Some tyme after the Comissioner went from Glasgow, a copy was sent him of that speeche; but it wanted that pairt which concerned the Kinge's power in

* *Ac dicta haec, quam illi tristia essent, manantes de genis lachrymae, et effusi gemitus fidem faciebant.*—*Historia Motuum*, p. 106. [See also Baillie's Letters. vol. i. p. 115., and Burnet's *Memoires of the Hamiltons*, p. 106.]

(1) [It may be seen in Records of the Kirk, vol. i. pp. 142, 143.]

churche matters, and his being universall bishopp of his kyngdomes was left out lykwayes : wherby it was conjectured that the moderator had displeased many of the Assembly by ascribing mor power to the King then they intended to give him, as since has been veriefyed in ther actinges. The conclusion of the moderator's speeche was, that as the Commissioner had served his maister carefully and faithfullie in preserving his preveleidges and praerogatives, so they had farr greater reasone, who wer the servantes of the Almightye God, and delegates in His churche, to be faithfull and carefull in preserving the preveleidges and praerogatives of the kyngdome of the Sonne of God, the which was His churche; that they should much greive for his absence, whose presence had been so acceptable and comfortable to them, and who had carryd himself amongst them with so much wisdom and moderatione that they should have a great misse of him; with many mor wordes, tending highly to the Commissioner his commendatione.

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XXVI. After the moderator, diverse of the Lordes spokke much, to vindicate the Covenanters from ther praelimitationes and sinister dealinges in ther electiones : But then the Comissioner unexpectedly did produce two papers, which contained the most secret instructiones, which wer appoynted to be communicated to the most faithfull of ther pairtye, and not to all who had subscrybed the Covenant, nor to all the Tables neither. One of thes papers was directed to one laye elder of evry presbytrye, some speciall confident of theirs, if he wer to be found; and it contained the nyne articles follownge, to this pourpose :

The Commissioner gives in two papers of private instructions, sent by the Tables to their particular friends.

First, Because purposes faille, if not dileigently persewed, the devill sleeps not, and we heare our adversaryes are bussy, and our misery will be unexpressible greate, and we ludibriouse, if they shall prevaile over us in a free Generall Assemblye, for which we have been pleading so longe; it wer meete that, so farr as may bee, a new warninge should be givne, to stirre upp the best affected.

Second, That evry nobleman be diligent, with barrons and ministers neerest unto them, and that he wryte unto his best acqwayntance who are farr off.

Third, That some one minister and gentleman in evry presbytrye meet ofte together, to resolve upon the particular commissioners to be chosne, and use all diligence, with the rest of the ministers and gentlemen, that suche maye be chossne.

Fourth, Because nothing will availle so muche for our pourpose, wher the

A. D. 1638. — most pairt of the ministers are dissaffected, as that the gentlemen be present to vote in presbytries, it would be presently tryed whether this be putt in executione; and if the minister be slow in urging it, the gentlemen themselves to urge it, and putt themselves in possessione.

Fifth, Our adversaryes in this cause are seeking ther owne endes, and will sett our freendes on worke to deale with us; all wold be warned for to shutt ther cares, and, in this case, to forgett parents, bretheren, and freendes, and, without respect to any persone, to doe what may most conduce for our good endes.

Sixth, Much will be pretended that the bishoppes be limited. They will be harmelesse in tyme coming; and, on the other pairt, that ministers, having all in ther power, will prove unrulye: but it would be considered, *First*, That God's ordinance (except we will mocke him, and be wyser in his errands then himselfe) should have place: *Second*, That ministers will be constrained to keepe themselves within bowndes, if gentlemen resort to church meetings: *Third*, This order will macke gentlmen mor relligiose, and ministers mor diligent in ther studyes and callinges, and mor heedfull to ther wayes; which will macke this a flourishing church and kyngdome, whiche will otherwayes be most slavish and contemptible to all, when it shall be seen how by sillinesse and treacherye we have lost so faire an occasione of our liberty, both christian and civill.

Seventh, That they linger not, but send their commissioners to Edinburgh by the first of October; by this we shall know our strenth.

Eighth, That all gentlemen (or the greatest pairt) be warned to be at Edinburgh September twentieth; and that only the gentlmen who are named comissioners to ther presbytyre for choosing ther comissioners for the Assembly, with some to asiste them that day, stay at home, and thoise to come away immediatly after the electione.

Ninth, That in every presbytyre ther be a particular care tackne of the informationes against the prelatts for instructing our complaints.

The other paper was directed to some minister, a confident in evry presbytyre, with private instructiones so intituled, and dated August twenty-seven, 1638.

First, Thes private instructiones to be discovered to none but to bretheren weall affected to the cause.

Second, That non be chossne ruling elders but covenanters weall affected to the bussinesse.

Third, That, wher the minister is not weall affected, the ruling elder A.D. 1638. be chossne by the commissioner of the shyre, and spockne to particularly for that effecte.

Fourth, That they be carefull that no chaptermen, chapellmen, or a minister, justice of peace, be chossne, although Covenanters, except they have publickly renounced or declared the unlauffullnesse of ther places.

Fifth, That the ruling elders come from evry church, in aeqwall numbers with the ministers; and if the minister oppose, to putt themselves in possessione, notwithstanding any oppositione.

Sixth, That the commissioner of the shyre cause convcene befor him the ruling elder of evry church, befor the daye of the electione, and enjoyne them, upon ther oathe, that they give vote to none but to thoise who are named already at the meeting at Edinburgh.

Seventh, That, wher ther is a nobleman within the bowndes of the presbytrye, he be chossne: And wher ther is none, ther be chossne a barron, or one of the best qwalitie, and he only a Covenanter.

Eighth, That the ablest man in evry presbytrye be provyded, for to dispute *de potestate supremi magistratus in ecclesiasticis, praesertim in convocandis conciliis, de senioribus, de episcopatu, de juramento, de liturgia, et corruptelis ejusdem.* ⁽¹⁾

XXVII. The moderator, and the Earle of Rothesse and Lord Lowdone, two ruling elders, went about to cleare themselves from the notice of thes two papers of the secrett instructiones, but with arguments that concluded it not: The Comissioner, when he delyvered them to the clerke to be readde, told him, That surly they wer papers which he had seene befor, and with which he was weall acqwaynted: The former of thes two papers, directed to a ruling elder of eache Presbytrye, the clerke acknowledged he had seene; but denyd that he had seene the other. One of the principall ruling lord* elders affirmed, That thes instructiones wer not sent from the Tables, but that they might be some private advyce from one freende to another; for† prooffe wherof, he offered to produce the two papers of pub-

Moderator and ruling elders, members of the Tables, vindicate themselves.

⁽¹⁾ [These two papers are printed at length in the King's Large Declaration, pp. 281—284.]

* Rothesse.

† The Comissioner said he knew that and mor of the Table's proceedings, and would not heare them readde Lowdoun saide that the Tables acted not in an authoritative waye, butt from the force of truth in thes instructiones. Then the Moderator spocke and thankd the King for his liberall concessions, and the Comissioner as an good instrument, and promised all loyalte on ther part; giving an example of Alexander the Great, who, coming to one of his

A. D. 1638. like instructiones, which had been sent from the Tables, and are sett downe already in this narratiōe; and insisted to shew the necessitye of sending thes publicke papers, because many wer unacquaynte with Assemblies, and to regulate Presbyteries by thes as by a directory, that they should not comitte ane error of informalitie in ther electiones; because, both ther

conquered kyngdomes, they refoosed to sett upp his statue and worshipp him as a god, but they graunted mor, viz. that all mony should carry his image; that ther yeair should begin with the first daye of his entrie, and all their sons carry his name: He applyd that the King desyred thinges encroatching upon God's lawes, which he could not graunte, but it should be much mor honorable to the King to be a gratiose King of loyall subjectes, hoping that the King knew weall that Chryst, his lawes and royall prerogative and his [] could not weall consist together without prejudice one of another. The Comissioner answered that he hoped they would remane faithfull subjectes. Lowdon gave the King thanks also, and desyred to give them all to morrow to ansuer all imputations against them. The Comissioner answered he doubted not but they could ansuer, but to what ende? for the matter was don alreadye; he could not help it; his Majesty's command he must [obey.]

The moderator desyred to discuss the Assemblies sufficiencye to judge the bishops declinator. The Comissioner replied that they would not thrust him out of ther company; he desyring to staye prayer, and then to depart in peace. But it was not ther intention to ryse at his desyre, least he should have taken instrument, and they have lood the benefitt of the king's indictione.

Rothess desyred to discusse the poynte of ruling elders; but he would not heare that. Then Rothesse desyrd to know what he knew against ther proceedings, and to declare it. The Comissioner interrupting him, sayed, Out, away, my Lord! If ther wer no mor but the refusall of the King's letters for assessors, it was sufficient for him to ryse. Rothess said, with all ther heartes they would give the King all that the lawe of God, and constitutions of the kyngdome, would give him; but they hoped the King was so just and so piouse, as not to desyre that which was not in ther power to give.

The moderator added that the King, he hoped, would not offer to breacke the lawes and libertyes that he had sworne to at his coronatione. Comissioner replyd, it was not the King's intention for to breacke or destroye, but to defende and to fulfill ther lawes and libertyes; but, in refoosing to admitte ruling elders, a thing out of practice, his maister did looke to the weall of the kyngdome; and for his particular, if the King had stood upon it, he said it wer better for the King for to obledge so many brave cavaliers then disguste them. Rothesse answered, jestinglye, It was easier to gratifie fourteen swollne churles, then some hundereths of nobles. Lowdon said ther was disput offered to prove them lafull. Comissioner replied, Yes, the Tables being judges. Mr. Andrew Ramsay offered to disput, and his Grace to be judge. Comissioner answered, if such as he sent for had come, and they who promised, yea and would have come, but for feare of ther lyves, he should have had an ansuer; but for him, he acknowledged his great ignorance, unfitt to encounter Mr. Andrew's great learninge. Mr. Andrew urged testimonies, wherein he said the bishopps declyned his Grace, as weall as them, and therfor desyred him to protest against them. The Comissioner smyled, and said so he would, if he saw ought that did praejudge his maister.

The moderator urged agane for to vote the Assembly's competencye for to judge the bishopps. The Comissioner [saide] they intended to thrust him out; and then protested the Assembly might be unlafull, and not obligatory, tacking instruments in the hands of Sir John Hay.

Rothess desyred him to remember his promise to graunte a free Assembly: he answered it was not his fault if it was otherwayes.

Rothesse said not the King nor he, but the bishopps, wer the cause of all thes evils. Com-

had been no Assemblies for forty yeares, and next, it was weall known that the bishopps wer very watchefull, who, by ther emissaryes, strove mainly to disturbe ther proceedinges, and to tacke advauntages upon them: Finally, they said that thes, ther publicke instructiones, wer not sent by way of commandement, but as brotherly advyces from ther Tables to presbytries. But the Comissioner replyd, That the sending of thes publicke instructiones, of which all the kyngdome had notice, was a weacke argument to prove that they had sent no other private ones; That he acknowledged that thes private instructiones wer not sent from ther publicke Tables, but he offered to prove that they wer sent to the severall presbytries by the directione of some of the principall rulers of the Tables, who laboured by all meanes to conceale them from the reste of ther pairtye, who, they wer sure, would tacke offence at them: Next, that they wer sent from one freende to another, be waye of advyce, he declared it to bee impossible, for thes two reasones; *first*, because it could not be imagind that severall men, wrytting to ther privatte freendes, should light upon the same wordes, and yet that the coppies of thes instructiones, sent unto him from many pairtes of the kyngdome, very farr distante one from another, wer the very same: *Secondly*, because he, and evrye man, did fynde that all the electiones now returned wer made throughout the whole kyngdome, acording to thes privat instructions, and in perswance of them: And that thes privatt instructions wer undoubtedly sent, besyde the Commissioner's reasones then alleadged, ther are other argumentes to eviete it to be trwe; for, *First*, they did not putt the Commissioner to it to prove the truth of his challenge, which brought so great a scandall upon ther proceedings, which it was ther pairte to doe if

A. D. 1638.

issioner said the bishopps, for peace, wer willing to qwytt all they had in Scotland, knowing they had a gratiouse Kinge's favour, who would recompense ther losses in an other kyngdome.

The moderator said the bishopps did occasion his way going. Comissioner answered, not the bishopps but his maister's warrant occasioned it.

Sir William Douglass said that, by giving his comission to be registred, he approved the lauffulnesse of the Assemblye; and Traquair pleaded for comissione of a ruling elder in Peebles: but the Comissioner would not ansuer Sir William Douglass.

Mr. David Dagleish, minister at Couper, said that, since no man did pleade for the bishopps, he would speacke a worde for them; and then he added that the Comissioner would doe the bishopps' cause great woronge, if he, hearing so much objected against them, and having so faire ane opportunitye to disscusse it, wold yet goe away; for that would leave ane impression upon all men's myndes of the bishopps' guilt. The Comissioner answered, it was no imputation to them, since they did declyne the judicatory. [See Records of the Kirk, vol. i., pp. 143—146.]

A. D. 1638. they wer forged: nor was it lesse scandall for the Commissioner to have maintained so much publicly, if they had not been forged. *Secondly*, The Comissioner protested, upon his honour, that he had receaved the coppies of thes instructiones from Covenanters ministers, who wer greived at that forme of proceedinge; and afterward offered, whenever he wer putt to it, for to justifie it as truth that he had receaved them; yet they never did offer then, nor afterward to put him to it. *Thirdly*, In ther protestation made against one of the Kinges proclamations, in thes tymes, they did imply something of the contentes of thes privat instructiones, which wer not in ther publicke papers. *Fourthly*, I suppose it was no hard matter for the Commissioner to justifie the truth of this challenge; for twenty yeare after the meeting of the Assembly of Glasgow, ther are of my acqwayntance who have preserved the principall coppies of thes private instructiones which wer then deneyed; and they are to bee seene, subscribed by the clerke of the Tables' hande.

Ther defence against his exceptione for bringing in laicke elders is saide to have been, that they had no other preveleidge in Assemblies, but such as the Worde of God gave them, as they could prove by strong argumentes, fetched from thence; nor wer ther preveleidges other in Scotland then they could prove them to have in other reformed churches. Furder, it was saide that they did much wonder why the Comissionaire did questione them now, seing he knew very weall that, befor the indictione of the Assembly, this was one of the maine conditiones of a free Assembly, which the Covenanters had still urged and protested for: therfor, if he say that he has fully satisfed ther desyres, it is to be supposed that he has graunted that concerning the voice of ruling elders, except he be resolute to tacke away with the one hande, that which he gave them with the other; which they would never suffer themselves for to beleeve, it being a thing both inconsistent with justice and with his honour. As for the qwarrells and adjourning the Assembly, they did impute all to the bishopps; who, since they could not hinder the doun sitting of it, wer doing what they could to hinder its proceedinge, that they might evite the censure of thes crymes and delinquencyes that they are charged with; and that all the evilles that would followe upon the raising of the Assembly ought to be imputed to the bishopps, and unto no bodye else.

Many wordes to this pourpose wer added, for justifying ther proceedings;

and great intreatye was used, first by diverse of the Lordes, and then by some of the ministers,* to that pourpose. To the Lordes, the Comissioner answered, That for many monethes, only ther Tables had been obeyed, but that the King and his Councell Table had receaved no obedience at all; he was therfor now to trye ther obedience in this poynte, whither they would dissolve themselves at the King's speciall commande. To the ministers he answered, That one of the cheife reasones which had moved the King to dissolve this Assemblie, was to vindicate them from the tyrannye of laye elders, who, as they had gone about for to suppress the bishoppes, so now to oppresse them; and, if the Kinge did not protecte them, would undoubtedly prove, not only rulinge, but overruling elders: And added, withall, That if they would now departe, he wold be a switor to the Kinge for the indicatione of a new free Generall Assemblie, in which they might mende all the faultes comitted by them in ther proceedings in this.

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XXVIII. And now, at last, the Earle of Argyll, one of the Kinge's counsellors, and assessors to the Commissioner, desyred to be hearde: † his voice was low, his speeche he directed to the Covenanters; the summe whair of was, That he had a commande laide upon him from the Kinge, to waite upon the Assemblie; that he did attest all ther consciences who wer present how fairly he had carryd himself in that charge; that for his owne pairt he coulde never yet be moved, upon any privat accompt of his owne, for to flatter the Kinge, or to perswade the King to runne violente courses; that he was surprysed, and did not expect this suddaine rupture of the Assemblie, but that he was willing to saye something, which was, That, in his humble opinion, the exceptione against the laicke elders was not strong eneuiche for to dissolve the Assemblie upon that accoumpt, as some thought; That he held it fitt that the Assemblie should consist of laymen as weall as churche men; because these two made up one compleate bodye: He exhorted them to stande by the Confessione of Faithe, as it was sworne, *anno* 1581, and suffer no other expositiones to be putt upon it: He said further, that himself, as. one of the Privy Councell, had subscriybed that Confessione, and the bande thertoo annexed, by the Kinge's speciall directione;

Earl of Argyll's Speech: [he] becomes favourable to the Covenanters.

* Mr. J. G., D. [Mr. David Dalgleishe seems, with the exception of the Moderator, Mr. Alexander Henderson, to have been the only minister who took part in the discussion which immediately preceded the Commissioner's departure.]

† When Argyll spoke, then the Kinge's Comissioner desyred all to heare him.

A. D. 1638. but with that expresse reservation, that it should be interpreted according to the mynde of thes who had subscribed it, *anno* 1581.

The Commis-
sioner dis-
solves the As-
sembly, and
retires.

XXIX. This exhortatione made seasonably by Argyll (who now beganne first to opne his mouth and come forth in publicke, in the good cause, to the great joye of the Assembly, and confirmatione and aedificatione of the members therof, the courage of severalls beginning to faile them at that tyme) was seconded by the Earle of Rothesse (it was Lowdon, saies another coppye, a MS.); who declared that it was very necessair for the Assembly for to declare the sence of the Confession of Faith, because it gott diverse and contradictorie glosses and sences putt upon it by the subscribers; of whom ther wanted not who did mantaine that the swearing therunto might subsiste, not onely with all the innovations already introduced into the church, but even with the Service Booke itselfe, and Booke of Canons, *etc*; whilst some, upon the other pairt, alledged that some of thes novations wer therby abjurd; and other some, receaved; and a third sorte of subscribers ther wer, who alledged that all wer abjurd, and that, by vertwe of that oathe, they wer tyed to throw awaye all innovations whatsoever, and returne to that puritie of discipline which was in the church, *anno* 1581. To this the Comissioner answered, that that taske would be performed, whenas the King did declare his judgement of the sence therof, in what sence it was his will to have his subjectes at this tyme to subscribe it.* Meane whyle, he desyred them for to dissolve the meeting; and, to this pourpose, desyred the moderator to saye prayer, and so to dissimise the Assembly; which he was about to doe but was hindered by the lordes; who fell againe with new perswasiones for to urge the Comissioner's staye with them; which he answered with so much expressione of greefe for ther misdemeanours whiche had necessarily enforced this rupture, that very many of the Assembly seemed to be much moved therwith. When nothing would perswade his staye, at last some of the lordes told him that, fearing this rupture, they had a protestatione ready against what he had saide and done, which they desyred him for to heare readde; which, so

* *Vide supra*. The Comissioner said, he had a mynd to have done that, and much mor, if God had blessed his employment; but, since it was otherwaye fallne out, he could proceed no further; only he wished them all weall, and would tacke his leave. His leave, said Rothesse, it was by ther expectatione, having done so muche, and having so lairge a commission, to doe mor: therefor they would (if he would depart) be forced to proteste against it.

soone as the clerke begunne to reade, the Commissioner repeated his former protestatione, adding in expresse wordes that, in the Kinge's name, he dissolved the court under the highest paines; and so came out with the Lordes of the Councell, leaving the clerke reading ther protestatione; and, coming with his company to the church doore, which was shutt, some of his company caused it quickly be opned by force: And so the Commissioner bade fareweall to the Assemblye, and went to his lodginge. A. D. 1638.

THE END OF THE FIRST VOLUME.

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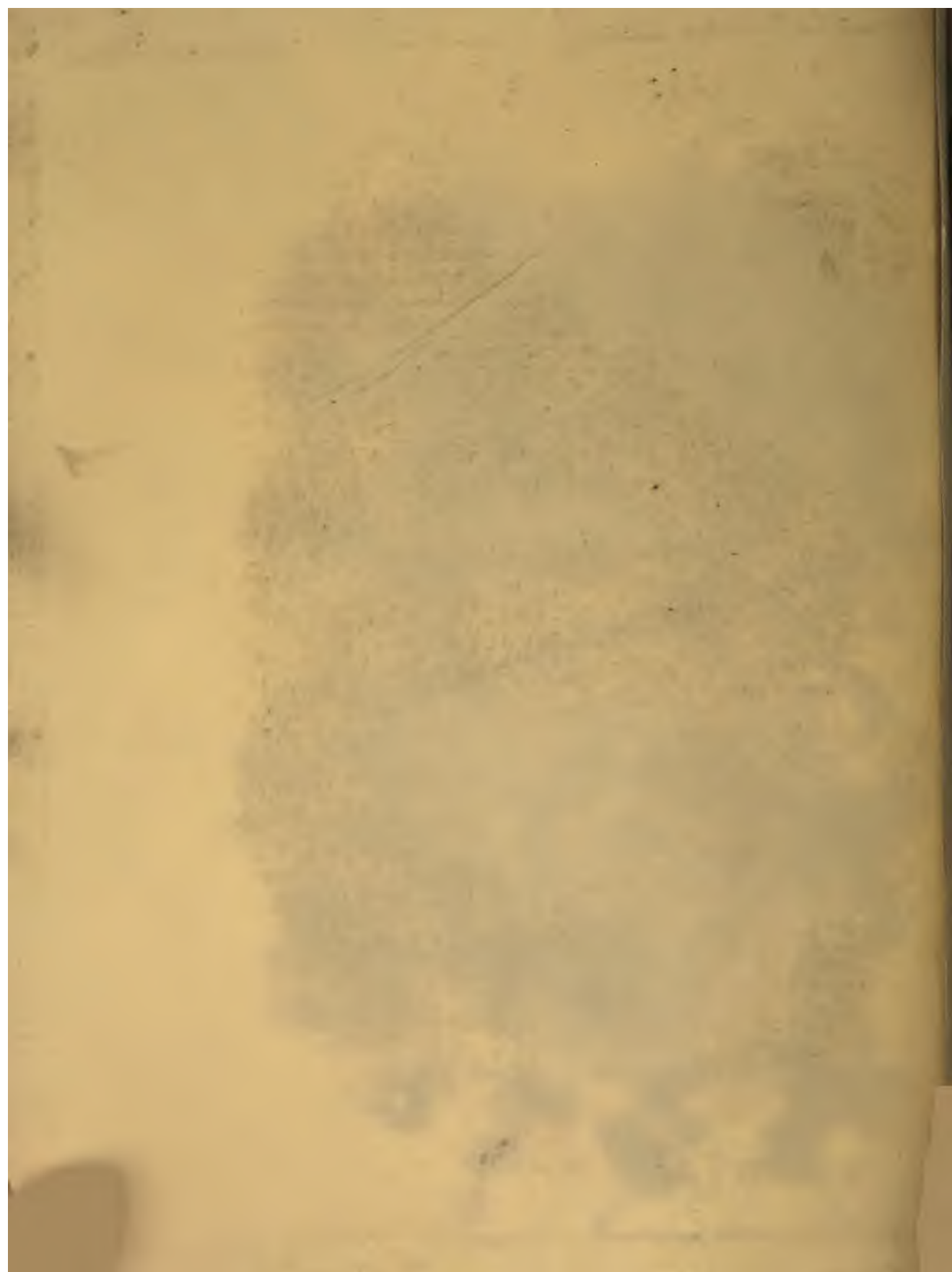
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